

DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS
OFFICE OF CAMPAIGN FINANCE

NOTICE OF PROPOSED RULEMAKING

The District of Columbia Board of Elections and Ethics (Board) hereby gives notice of its intent to adopt the following amendments to Chapter 30, "Campaign Finance Operations," 3 DCMR §§3000-3002, 3004, 3006, 3008-3011, 3013, and 3017 (49 DCR 2731: March 22, 2002); Chapter 31, "Lobbying," 3 DCMR §§3101-3102 (49 DCR 2731: March 22, 2002); Chapter 32, "Financial Disclosure," 3 DCMR §§3200-3202 (49 DCR 2731: March 22, 2002); Chapter 33, "Conflict of Interest," 3 DCMR §§3300 *et seq.* (49 DCR 2731: March 22, 2002); Chapter 34, "Campaign Finance Record Keeping," 3 DCMR §§3400-3402 (47 DCR 2171: March 24, 2000); Chapter 37, "Investigations," 3 DCMR §§3704 and 3710-3712 (49 DCR 2731: March 22, 2002); and Chapter 99, "Definitions," 3 DCMR §9900.1, in not less than thirty (30) days from the date of publication of this Notice in the D.C. Register.

The proposed amendments represent updates and changes to the rules of the Board's Office of Campaign Finance (OCF). Specifically, the majority of the rules augments and clarifies campaign finance, lobbying, financial disclosure, conflict of interest and record keeping procedures to provide the general public and OCF filers with a better understanding of the agency processes. Moreover, amendments were incorporated to align the regulations with redesigned OCF applications and forms, especially those listed on the website at www.ocf.dc.gov.

The amendment to §3001.3 refers to D.C. Law 16-0034, the "Exploratory Committee Disclosure Informational Report and Contribution Prohibition Temporary Amendment Act of 2005." The rule will alert the "exploratory" or "testing the waters" candidate to file an informational report with OCF.

Also, the amendments to Chapter 32, the proposed "Conflict of Interest and Use of Government Resources for Campaign-Related Purposes," incorporate regulations spawned by D.C. Law 14-36, the "Campaign Finance Amendment Act of 2001," which was enacted on October 13, 2001. The proposed rules explain the prohibitions on the use of District government resources for campaign related activities.

AMEND §3000, "Organization of Political Committees," by deleting current subsections 3000.13-3000.18, and substituting the following new subsections:

- 3000.13 When either the office of chairperson or treasurer of a political committee, pursuant to 3 D.C.M.R. §3000.12, is vacant, the political committee shall perform the following:
- (a) Inform the alternate chairperson or treasurer to serve in the interim, upon receipt of the resignation, if applicable, of the affected officer;

- (b) Designate a successor chairperson or treasurer, within five (5) days of the vacancy; and
 - (c) Amend its statement of organization within 10 days of the designation of the successor; Provided, that the successor officer agrees to accept the position.
- 3000.14 A contribution or expenditure shall not be accepted or made by, or on behalf, of a political committee under the following conditions:
 - (a) When the office of treasurer is vacant; and
 - (b) No other person has been designated and has agreed to perform the functions of treasurer.
- 3000.15 Each expenditure made for, or on behalf, of a political committee shall be authorized only by the following:
 - (a) Chairperson;
 - (b) Treasurer; or
 - (c) Their designated agent, as listed at §3000.1.
- 3000.16 A chairperson shall be required to file the following:
 - (a) A statement of acceptance, on a form prescribed by the Director, and a copy of written notification sent to the address of record of the treasurer and candidate, if an authorized committee, within five (5) days of assuming the office; and
 - (b) A statement of withdrawal, on a form prescribed by the Director, and a copy of written notification sent to the address of record of the treasurer and candidate, if an authorized committee, within five (5) days of vacating the office.
- 3000.17 A treasurer shall be required to file the following:
 - (a) A statement of acceptance, on a form prescribed by the Director, and a copy of written notification sent to the address of record of the chairperson and candidate, if an authorized committee, within forty-eight (48) hours of assuming the office;
 - (b) Periodic R&E Reports, under §3008, signed by the treasurer or, if unavailable, the designated agent, under §3000.1; Provided, that the treasurer shall be responsible for all Reports and statements due to the Director during the treasurer's tenure; and
 - (c) A statement of withdrawal on a form prescribed by the Director, and a copy of written notification sent to the address of record of the chairperson and candidate, if an authorized committee, within forty-eight (48) hours of vacating the office.

3000.18 A person shall not serve as chairperson and treasurer of a political committee simultaneously, except the following: (a) A candidate; or (b) A proposer or opponent of an initiative, referendum or recall measure or charter amendment.

3000.19 Each political committee shall amend its Statement of Organization within ten (10) days of any change in information previously reported on its Statement of Organization.

AMEND §3001, "Exploratory, Draft, or "Testing the Waters" Committees," by deleting current subsection 3001.3 and substituting the following new subsection:

3001.3 Each committee shall be required to file informational reports, in accordance with §3008.

AMEND §3002, "Candidate Status," by deleting current subsection 3002.5, and substituting the following new subsection:

3002.5 An Advisory Neighborhood Commissioner (ANC) Summary Financial Statement shall be filed no later than thirty (30) days after the certification of the election results by the following:

- (a) ANC candidates, pursuant to §1616, who qualified for the ballot by the write-in process;
- (b) ANC candidates, pursuant to §§1608 and 1609, who qualified for the ballot by the nominating petition process;
- (c) ANC candidates who accepted contributions or made expenditures; and did not qualify for the ballot, pursuant to §§1608, 1609 and 1616; and
- (d) ANC candidates who qualified as candidates for selection in the ANC vacancy filling process, pursuant to §1310.

AMEND §3004, "Candidate Waiver from Filing and Reporting Requirements," by deleting current subsection 3004.4, and substituting the following new subsection:

3004.4 A candidate may make an expenditure from personal funds to the candidate's designated principal campaign committee, which expenditure shall then be reported by the principal campaign committee as a contribution received; and, as a loan, when accompanied by a written instrument attesting thereto, pursuant to §3011.7.

AMEND §3006, "Designation of Existing Political Committee," by deleting current subsection 3006.1, and substituting the following new subsection:

- 3006.1 Except as provided in §3006.2, an existing political committee may be designated as the principal campaign committee of a candidate if the existing political committee meets the following conditions:
- (a) The Statement of Organization of the existing political committee indicates that the existing political committee is an unauthorized committee, pursuant to §3000.7, including any independent or political action committee; and
 - (b) R&E Reports of the existing political committee are current.

AMEND §3008, "Financial Reports and Statements," by deleting the section in its entirety, and adding the following new section:

3008 FINANCIAL REPORTS AND STATEMENTS

- 3008.1 Candidates, political committees, citizen-service programs and Statehood funds and their treasurers shall make best efforts to obtain, report and maintain information required under Chapter 34 of this title.
- 3008.2 With the exception of ANCs, all contributions, expenditures, debts, contracts, and agreements shall be reported on separate schedules in the R&E Report, in the following manner:
- (a) On a form, prescribed by the Director; or
 - (b) In the format consistent with the form filed under §3008.2(a).
- 3008.3 The R&E Report may be filed by computer diskette furnished by the Director, as an alternative method of electronic filing; Provided, that the original R&E Report, verified by the treasurer, is also filed.
- 3008.4 Each contribution, rebate, refund, or any other receipt of \$15 or more shall be reported.
- 3008.5 All receipts for contributions including in-kind contributions, ticket purchases, dividend, interest, offsets to operating expenditures, including rebates and refunds, transfers, and in the case of citizen-services programs, personal property, shall be itemized and reported on the appropriate sub-schedule of Schedule A in accordance with the Instructions for preparing the R&E Report.
- 3008.6 All receipts for loans made or guaranteed by the candidate or the committee, or owed by the candidate or the committee, shall be itemized and reported on the appropriate sub-schedule of Schedule E.

- 3008.7 Partnership contributions, under §3011.15, shall be itemized and reported on Schedule A, in accordance with the instructions for preparing the R&E Report, in the following manner:
- (a) In the name of the partnership; and
 - (b) In the name of each contributing partner.
- 3008.8 All expenditures for personal services, media, transfers, other items or services, in-kind contributions, refunds of contributions, independent expenditures, offsets to receipts, and in the case of citizen-services programs, personal property, shall be itemized and reported on the appropriate sub-schedule of Schedule B in accordance with the Instructions for preparing the R&E Report.
- 3008.9 Each in-kind contribution, under §§3008.6 and 3008.9, shall be assessed at the current local fair market value at the time of the contribution, and shall be reported on the appropriate sub-schedule of Schedules A and B.
- 3008.10 All net proceeds for any mass sale and collection shall be itemized and reported on Schedule C in accordance with the instructions for preparing the R&E Report.
- 3008.11 All debts and obligations, excluding loans, except in the case of citizen-services programs, shall be itemized and reported on Schedule D in accordance with the instructions for preparing the R&E Report.
- 3008.12 All loans, except in the case of citizen-services programs, shall be itemized and reported on the appropriate sub-schedule of Schedule E in accordance with the instructions for preparing the R&E Report.
- 3008.13 The R&E Report shall be complete, as of five (5) days prior to the date of any filing, under §3017; Provided, that any contribution of two hundred dollars (\$200) or more received after any closing date, under §3017, for the last R&E Report required to be filed prior to an election, shall be reported within 24 hours after its receipt.
- 3008.14 Financial transactions undertaken by credit card shall be reported on the R&E Report in accordance with the instructions for preparing the R&E Report in the following manner:
- (a) Contributions shall be reported for the date upon which the authorized transaction is received;
 - (b) The full amount authorized by the contributor as a contribution shall be reported by the candidate or committee;

- (c) Any service charge(s) deducted by the credit card issuer shall be reported as expenditures made by the candidate or committee as of the date when notified of the deductions; and
 - (d) Any discount from the normal service charge authorized by the credit card issuer shall constitute an in-kind contribution, under §3008.4, from the issuer and shall be reported as an in-kind contribution.
- 3008.15 Every person, other than a political committee, who makes independent expenditures aggregating in excess of fifty dollars (\$50) during a calendar year, shall file an Independent Expenditure Report with the Director, at the times specified in §3017, for any period during which the expenditure occurred.
- 3008.16 The ANC Summary Financial Statement filed by an ANC candidate, under §3002.5, shall include the following:
- (a) Total campaign receipts and expenditures relative to an election, including funds received and expended by the candidate;
 - (b) Certification that the candidate did not receive contributions from any person, other than the candidate, in excess of twenty-five dollars (\$25);
 - (c) Certification that the candidate did not receive any contributions from any person or make any expenditures, including from or by the candidate, to support the candidate's election to office; and
 - (d) The disposal of surplus contributions, if any.

AMEND §3009, "Reports of Initiative, Referendum, Recall and Proposed Charter Amendment Committees," by deleting the section in its entirety, and adding the following new section:

- 3009 REPORTS OF INITIATIVE, REFERENDUM, RECALL AND PROPOSED CHARTER AMENDMENT COMMITTEES
- 3009.1 Each committee supporting or opposing an initiative, referendum, recall, or proposed charter amendment shall file R&E Reports during the consideration of a measure for ballot placement, for any one election.
- 3009.2 The Office of Campaign Finance shall prepare the following:
- (a) A schedule of dates based upon the complete period allowed for qualification of a measure for ballot placement by which R&E Reports are due; and
 - (b) A revised schedule of dates based upon actual completion of tasks by which R&E Reports are due, when necessary.

- 3009.3 R&E Reports shall be filed in accordance with the following schedule:
- (a) On or before the commencement of the process for initiative, referendum, recall or proposed charter amendment, or
 - (b) In the case of an opponent, ten (10) days after making an expenditure or accepting a contribution in opposition to the measures;
 - (c) On the tenth (10th) day of the fourth (4th) month preceding the election;
 - (d) On the tenth (10th) day of the second (2nd) month preceding the election; and
 - (e) Eight (8) days prior to the election.
- 3009.4 With the exception of contributions to retire debt and expenditures made to wind down a campaign, pursuant to §3016, contributions shall not be received, nor expenditures made to support or oppose an initiative, referendum, recall, or proposed charter amendment under the following circumstances:
- (a) After the election at which the measure is presented to the electorate; or
 - (b) Upon rejection of the petition with signatures as numerically insufficient by the Board of Elections and Ethics; and
 - (c) Subsequent to the exhaustion of all administrative and judicial remedies.
- 3009.5 Following the election, or the failure of an initiative, referendum, recall, or proposed charter amendment to qualify for ballot access, pursuant to this title, and the exhaustion of all administrative and judicial remedies, a committee shall continue to file R&E Reports on January 31st and July 31st of each year until all debts and obligations are satisfied.
- 3009.6 Upon satisfaction of all debts and obligations, each committee shall immediately file a final R&E Report.
- 3009.7 In the absence of any debts and obligations, each committee shall, within sixty (60) days following the election, perform the following acts:
- (a) Disburse any remaining funds, if any, in accordance with §3016; and

(b) File a final R&E Report.

3009.8 A copy of each R&E Report or statement filed with the Director shall be preserved by the person filing the report or statement for a period of not less than three (3) years from the date of filing.

AMEND §3010, "Petty Cash Funds," by deleting current subsection 3010.1, and substituting the following new subsection:

3010.1 A candidate, political committee, Statehood Fund or citizen-service program may maintain a Petty Cash Fund which shall not exceed three hundred dollars (\$300) at any time.

AMEND §3011, "Limitations on Contributions," by adding the following new subsection:

3011.19 With the exception of contributions received to retire debt, contributions shall not be received or accepted after the election or defeat of a candidate for office, or where a candidate notifies the Office of Campaign Finance of the intent to terminate the candidacy.

AMEND §3013, "Limitations on the Use of Campaign Funds," by deleting current subsections 3013.2(e) and (h), substituting the following new subsections, and adding a new subsection:

3013.2 (e) Payment or reimbursement for judgments or settlements, unless litigation or agency administrative action arises directly out of the campaign activities of a candidate or principal campaign committee;

(h) Clothing, except for specialty clothing which is not suitable for everyday use, including, but not limited to, formal wear, if the attire is used in the campaign and is directly related to a campaign purpose; and

3013.3 With the exception of expenditures made to retire debt or wind down the campaign operation, campaign funds shall not be expended following the election or defeat of a candidate for office, or where a candidate notifies the Office of Campaign Finance of the intent to withdraw the candidacy, for the purpose of financing, directly or indirectly, the election campaign of a candidate.

AMEND §3017, "Filings and Deadlines," by deleting subsection 3017.7, renumbering subsection 3017.8 as 3017.9, and substituting and adding the following new subsections:

3017.7 All reports and statements filed in person or by first class mail shall be deemed timely filed when received by 5:30 p.m. of the prescribed filing date.

3017.8 All reports and statements electronically filed shall be deemed timely filed if received by midnight of the prescribed filing date; Provided, that the original paper report, verified by the treasurer, is also filed within five (5) days of the filing deadline.

AMEND §3101, "Exemption from Registration Requirements," by deleting the section in its entirety, and substituting the following section:

3101 EXEMPTION FROM REGISTRATION REQUIREMENTS

3101.1 A person shall be exempt from the registration requirements if that person serves as any of the following:

- (a) A public official, or an employee of the United States, acting in an official capacity;
- (b) A publisher or working member of the press, radio, or television who, in the ordinary course of business, disseminates news or editorial comment to the general public;
- (c) Any candidate, member or member-elect of an Advisory Neighborhood Commission; or
- (d) Any exempt organization specified in the District of Columbia tax code; Provided, that the activities of the organization do not include lobbying, and the financial result of the activities are attributed solely to the entity.

3101.2 Certain activities shall exempt a person from the registration requirements if that person performs any of the following acts:

- (a) Appears or presents written testimony, on his or her own behalf, or is represented by an attorney, in an informal or formal rule-making, rate-making or adjudicatory hearing before an executive agency or the Tax Assessor;
- (b) Supplies information in response to written inquiries by an executive agency, the Council of the District of Columbia or any public official;
- (c) Inquires only as to the status of specific actions by an executive agency or the Council of the District of Columbia;
- (d) Testifies before, or submits written testimony to, a committee of the Council of the District of Columbia, or the Council, in a proceeding for which there is a public record or testimony submitted for inclusion in the public record;

- (e) Communicates through a newspaper, television, or radio of general circulation or a publication whose primary audience is the organization's membership; or
- (f) Conveys communications, indirectly or directly, by a bona fide political party, as defined in the Campaign Finance Act.

3101.3 A person, who may be exempt from the registration requirements of this chapter, may be a registrant for other purposes under this title; Provided, that the activity of the person shall not constitute a conflict of interest.

AMEND §3102, "Activity Reports," by deleting current subsections 3102.2(e)-(h), and substituting the following subsections:

- 3102.2
- (e) Name and employment information for each official in the executive or legislative branch, compensated and any member of the official's personal staff, who was compensated in any manner by the registrant;
 - (f) Name of each official in the executive or legislative branch with whom the registrant has communicated regarding lobbying activities, in writing or orally, during the reporting period related to lobbying activities;
 - (g) The name, address and nature of business of each person whom the registrant has compensated to lobby on behalf of the registrant, and an exact accounting of the time spent and the expenses incurred; and
 - (h) A pro-rated listing of salaries paid to each lobbyist, including each in-house employee-lobbyist, based on time spent on influencing any legislative action, administrative decisions, or on each piece of local legislation.

AMEND §3200, "Applicability," by deleting current subsection 3200.1, and substituting the following subsection:

- 3200.1 A financial disclosure statement (FDS) shall be filed by the following:
- (a) Any candidate for election to public office, except the office of Advisory Neighborhood Commissioner, who, at the time of candidacy, does not occupy any such office;
 - (b) All elected officials, except Advisory Neighborhood Commissioners;
 - (c) Members of specific boards and commissions, pursuant to the Act;

- (d) Employees within the excepted and legal services, paid at a rate of DS-13 or above;
- (e) Employees within the management supervisory service, paid at a rate of MS-13, or above;
- (f) Persons serving as subordinate agency heads pursuant to the Personnel Act; and
- (g) Any other public official expressly subject to the financial disclosure provisions of the Act.

AMEND §3201, "Disclosure Requirements," by deleting current subsections 3201.3-3201.4, substituting the following subsections, and adding the following new subsection:

- 3201.3 No public official, required to file a HOIDS, pursuant to §3201.2, shall earn honoraria in excess of ten thousand dollars (\$10,000) during the year in which the right to receive the honorarium accrues, except that any amounts paid to a charitable organization, on behalf of the public official, shall not be calculated as part of the aggregate total.
- 3201.4 Neither the Mayor nor the Chairman of the Council shall earn royalties in excess of ten thousand dollars (\$10,000) during the year in which the right to receive the royalty accrues, except that any amounts paid to a charitable organization, on behalf of the public official, shall not be calculated as part of the aggregate total.
- 3201.5 Public officials, and members of their immediate families, prohibited from receiving royalties, in excess of ten thousand dollars (\$10,000) in any calendar year, include the following:
 - (a) Mayor; and
 - (b) Chairman of the Council.

AMEND §3202, "Filing Requirements," by deleting the section in its entirety and adding the following new section:

- 3202 **FILING REQUIREMENTS**
- 3202.1 All FDS shall be deemed timely filed in person or by first class mail if received in the Office of Campaign Finance by no later than 5:30 p.m. of May 15th of each year for the prior calendar year.
- 3202.2 The FDS may be filed electronically no later than 12:00 midnight of the filing deadline; Provided that, the paper filing of the FDS, verified by the public official, is filed within five (5) days of the filing deadline.
- 3202.3 The HOIDS shall be filed with the Director of Campaign Finance not later

- than May 15th of each year for the prior calendar year in which the public official served.
- 3202.4 All HOIDS filed in person or by first class mail shall be deemed timely filed when received in the Office of Campaign Finance by no later than 5:30 p.m. of May 15th of each year for the prior calendar year in which the public official served.
- 3202.5 A public official shall submit an amended FDS and HOIDS within thirty (30) days after changes in any information represented on the FDS and the HOIDS.
- 3202.6 A public official may make a request of the Director, in writing, for an extension of up to thirty (30) days in which to submit the FDS and the HOIDS.
- 3202.7 The Director may extend the period of time for submission of the FDS and the HOIDS by a public official, for good cause shown.
- 3202.8 The list of public official required to file the FDS shall be published in the DC Register in April of each calendar year, and made available to the public, under Chapter 37 of this title.

AMEND Chapter 33, "Conflict of Interest," by deleting the chapter in its entirety and adding the following new chapter:

**CHAPTER 33 CONFLICT OF INTEREST AND USE OF GOVERNMENT
RESOURCES FOR CAMPAIGN-RELATED PURPOSES**

3300 APPLICABILITY

- 3300.1 A conflict of interest shall occur when a public official exerts any "effort to realize personal gain," as defined in §9900.1, through official conduct.
- 3300.2 The use of a government resource for a campaign-related purpose occurs when a person draws upon a service of the District of Columbia government for any campaign matter, pursuant to this title.
- 3300.3 For the purposes of conflict of interest, this chapter shall apply to the following public officials:
- (a) Any candidate for nomination for election, or election, to public office, except the office of Advisory Neighborhood Commissioner, who, at the time of candidacy, who does not occupy any such office;

- (b) All elected officials, except Advisory Neighborhood Commissioners;
- (c) Members of specific boards and commissions, pursuant to the Act;
- (d) Employees within the excepted and legal services, and paid at a rate of DS-13 or above;
- (e) Employees within the management supervisory service and paid at a rate of MS-13, or above;
- (f) Persons serving as subordinate agency heads pursuant to the Personnel Act; and
- (g) Any other public official expressly subject to the financial disclosure provisions of the Act.

3300.4 For the purposes of the use of a government resource for a campaign-related purpose, this chapter shall apply to all persons.

3300.5 This chapter shall not prohibit a public official from voting on the following matters:

- (a) One which affects a class of persons of fifty (50) or more of which the public official is a member, and the financial gain to be realized is *de minimis*;
- (b) Compensation of the public official as authorized by law; and
- (c) Elections laws.

3300.6 This chapter shall not apply to any person who registers as a lobbyist and engages in lobbying, pursuant to §3100.

3301 PROHIBITED CONDUCT

3301.1 Other than that compensation provided by law for the public official, the public official shall avoid the use of the official position or office to obtain financial gain for the following:

- (a) The public official;
- (b) Any member of the public official's household; or
- (c) Any business with which the public official or a member of the public official's household is associated.

- 3301.2 A person shall be prohibited from offering, and a public official, or any member of a public official's household, shall be prohibited from receiving anything of value, based on the following:
- (a) Any understanding that the actions, judgment or vote of the public official would be influenced;
 - (b) Any reasonable inference that the thing of value would influence the public official in his or her discharge of duties; or
 - (c) Any reward, except for political contributions publicly reported under Chapter 30 of this title or transactions made in the ordinary course of business of the offeror.
- 3301.3 A person shall be prohibited from offering, and a public official shall be prohibited from soliciting or receiving any money for advice or assistance given in the course of or relating to the public official's employment; Provided, that the monies were lawfully received by the public official in the public official's entrusted position.
- 3301.4 A public official shall be prohibited from disclosing confidential information given in the course of or because of the entrusted position or activities of the public official which could result in financial gain for the public official or for any other person.
- 3301.5 A public official shall be prohibited from accepting an assignment to serve on a committee if its jurisdiction consists of matters in which the public official, a member of the public official's family, or any business with which the public official is associated, has any financial interest; Provided, that the public official is a member or employee of the Council or Board of Education.
- 3301.6 The Mayor and each member of the Council shall be prohibited from representing another person before any regulatory agency or District of Columbia Court while serving in office, except in the following instances:
- (a) The public official appears before such entity in their official capacity; or
 - (b) A member of the Council (excluding the Chairman) licensed to practice law, appears before such entity in any matter which does not affect their official position.
- 3301.7 Members of boards and commissions are prohibited from appointing the following:

- (a) A member from their respective board or commission to any paid office or position under the supervision of their respective board or commission; and
 - (b) A former member from their respective board or commission to any paid office or position under the supervision of their respective board or commission; Provided, that at least 45 days have elapsed since the termination of service to the board of commission by the former member, and the former member has followed the hiring procedures required of other applicants for the paid office or position.
- 3301.8 District of Columbia Government resources shall be prohibited from use to support or oppose any of the following:
 - (a) A candidate for elected office, whether partisan or nonpartisan; or
 - (b) An initiative, referendum, or recall measure, or a charter amendment referendum.
- 3301.9 Resources of the District of Columbia Government shall include, but not be limited to, the following:
 - (a) The personal services of employees during their hours of work; and
 - (b) Nonpersonal services.
- 3301.10 Nonpersonal services shall include, but not be limited to, the following:
 - (a) Supplies;
 - (b) Materials;
 - (c) Equipment;
 - (d) Office space;
 - (e) Facilities; and
 - (f) Utilities, for example, telephone, gas and electric.
- 3301.11 Certain public officials may express their views on a District of Columbia election, as part of their official duties; and, they include the following:
 - (a) The Mayor;

- (b) The Chairman of the Council;
- (c) Each Member of the Council;
- (d) The President of the Board of Education; and
- (e) Each Member of the Board of Education.

3301.12 A public official shall not act on, or decide, any matter in which there is conflict or a potential conflict, created by their financial, personal, family, business, or client interest.

3302 REMOVAL FROM INFLUENCE

3302.1 When confronted with a conflict or potential conflict of interest, a public official shall remove himself or herself from influence over actions and decisions on the matter on which there is a conflict or potential conflict.

3302.2 Removal from influence over actions and decisions shall be accomplished when the public official refrains from taking any action or making any decision that would affect or appear to affect, directly or indirectly, the matter under investigation or the conflict.

3302.3 A public official shall remove himself or herself from influence over actions and decisions for the following reasons:

- (a) When the public official has reasonable knowledge of any direct or indirect financial interest or gain which is incompatible with the discharge of duties by the public official;
- (b) When the public official would be required to take any official action on a matter when a conflict situation is created by a personal, family or client interest; or
- (c) Upon written notice from the Board or the Director that a full investigation has been initiated.

3303 NOTIFICATION OF CONFLICT OF INTEREST

3303.1 When a public official has a conflict or potential conflict of interest, that public official shall prepare a written statement describing the following:

- (a) The matter requiring action or decision; and
- (b) The nature of the potential conflict of interest with respect to such action or decision.

- 3303.2 The public official shall deliver a copy of the statement to the following:
- (a) The Board of Elections and Ethics, in care of its General Counsel;
 - (b) The Director of the Office of Campaign Finance; and
 - (c) The immediate superior or superior-designate, if any, of the public official.

- 3303.3 The immediate superior or superior-designate for each public official enumerated in this subsection shall include one (1) of the following:

- (a) Member of the Council – Chairman of the Council;
- (b) Chairman of the Council – Chairperson *pro tempore* or Vice-chairperson of the Council;
- (c) Member of the Board of Education – President of the Board of Education;
- (d) President of the Board of Education – Vice-president of the Board of Education;
- (e) Member of Advisory Neighborhood Commission, Board or Commissions – Chairperson or President;
- (f) Chairperson of Advisory Neighborhood Commission, Board, or Commission – Chairperson *pro tempore* or Vice-President;
- (g) Member of Board or Commissions – Chairperson or President of Board or Commission; and
- (h) Immediate staff employee of the Council and Board of Education – respective Chairperson.

3304 RECUSAL FROM CONFLICT OF INTEREST BY PUBLIC OFFICIALS

- 3304.1 After receipt of a statement of conflict or potential conflict of interest from a public official, the superior or superior-designate, pursuant to §3303.3, shall perform the following acts:

- (a) Cause the statement to be printed in the record of proceedings of the body of which the person is a member or employee; and

- (b) Upon request of the affected public official, excuse that public official from votes, deliberations, or other actions, as applicable, on the matter on which a conflict or potential conflict exists.
- 3304.2 After receipt of a statement of conflict or potential conflict of interest from a public official, the immediate superior of the public official shall reassign the matter to another employee who is not subordinate to the relieved employee; Provided, that the employee does not also have a potential conflict of interest, except for the following:
 - (a) The Mayor; or
 - (b) A Member of the Council.
- 3304.3 The public official shall excuse himself or herself from votes, deliberations and other actions on the matter on which a potential conflict exists; Provided, that the public official does not report to an immediate supervisor.
- 3304.4 If the public official fails to excuse himself or herself from votes, pursuant to §3304, the public official shall not vote, deliberate or act on the matter on which a conflict or potential conflict exists.
- 3304.5 If the public official fails to excuse himself or herself, pursuant to §3304, and votes, deliberates or acts on the matter in which a conflict or potential conflict exists, a complaint of conflict of interest under Chapter 37 of this title shall issue from one (1) of the following:
 - (a) The Board of Elections and Ethics; or
 - (b) The Director of the Office of Campaign Finance.
- 3305 INTERPRETATIVE OPINIONS
- 3305.1 Any person subject to this chapter may request a written interpretative opinion concerning the application of the Act, and Chapters 30-37 of this title.
- 3305.2 The request shall be addressed to the Director in writing.
- 3305.3 Each request shall contain the following:
 - (a) The full name and address of the requestor;

- (b) A query as to an application of the Act, and chapters 30-37 of this title, solely with respect to an actual or potential event concerning a specific or general transaction or activity of the person;
 - (c) Any related documentation.
- 3305.4 The Director shall notify the requestor in writing of the acceptance of each request.
- 3305.5 The Director shall respond in writing to each request within thirty (30) days, after it has been accepted for review by the Office of Campaign Finance.
- 3305.6 If the requestor disagrees with the interpretative opinion issued by the Director, the requestor may request an advisory opinion from the Board of Elections and Ethics, pursuant to Chapter 3 of this title.

AMEND §3400, "Recordkeeping Procedures," by deleting subsections 3400.1-3400.2, and adding the following new subsections:

- 3400.1 To ensure financial accountability, this chapter governs the recordkeeping procedures for the following:
 - (a) Candidates, including candidates seeking election to an Advisory Neighborhood Commission;
 - (b) Political Committees;
 - (c) Lobbyists;
 - (d) Citizen-service programs; and
 - (e) Statehood funds.
- 3400.2 Each required filer, under §3400.1, shall obtain and preserve, from the date of registration, detailed records of all contributions and expenditures disclosed in reports and statements filed with the Director, including the following:
 - (a) Check stubs;
 - (b) Bank Statements;
 - (c) Canceled checks;
 - (d) Contributor cards and copies of donor checks;

- (e) Deposit slips;
- (f) Invoices;
- (g) Receipts;
- (h) Contracts;
- (i) Payroll records;
- (j) Tax records;
- (k) Lease agreements;
- (l) Petty cash journals;
- (m) Ledgers; and
- (n) Vouchers.

AMEND §3401, "Expenditures," by deleting subsection 3401.4, and adding the following new subsection:

3401.4 Voided or stale-dated checks shall be handled in the following method:

- (a) Stamped "void" or made non-negotiable; and
- (b) Retained in accordance with §3400.

AMEND §3402, "Receipts," by deleting the section in its entirety, and adding the following new section:

3402 RECEIPT

3402.1 To fully identify the donor, receipts shall contain the following information:

- (a) Full name;
- (b) Mailing address;
- (c) Occupation and principal place of business, if any; and
- (d) Date of contribution.

3402.2 All receipts shall be handled in the following manner:

- (a) Pre-numbered receipts shall be issued for all contributions received; and
 - (b) Receipts shall be documented by contributor cards and copies of donors' checks.
- 3402.3 Records of receipts and contributions shall be maintained to show the following:
 - (a) With the exception of receipts for sales or collections, cumulative totals; and
 - (b) For sales or collections, a detailed record of receipts and expenditures.
- 3402.4 All filers shall separately identify undesignated receipts from designated receipts.

AMEND §3704, "Full Investigations," by deleting subsection 3704.4, and adding the following new subsection:

- 3704.4 The full investigation shall be conducted by evidence gathered and explored by the following:
 - (a) Subpoena;
 - (b) Depositions;
 - (c) Interrogatories;
 - (d) Interviews;
 - (e) Audits;
 - (f) Affidavits;
 - (g) Documents; and
 - (h) Other means deemed appropriate.

AMEND §3710, "Cease and Desist Orders Based on Violations," by deleting subsection 3710.1, and adding the following new subsection:

- 3710.1 Upon a determination, under §3709, that a violation has occurred, the Director may issue an order to the offending party to cease and desist the violation.

AMEND §3711, "Schedule of Fines," by renumbering duplicate subsection 3711.2 as 3711.3, deleting subsection 3711.2(w) and 3711.8, and adding the following new subsections:

- 3711.2 (w) Accepting, soliciting or giving any thing of value to influence official government actions, or where it could be inferred that the thing of value would influence the public official in the discharge of his or her duties.
- 3711.3 The aggregate of the penalties imposed under the Director's authority, under §3711.2, may not exceed \$2000 for each violation.
- 3711.8 If a party fails to pay the ordered fine, the Director may petition for enforcement of its order, within thirty (30) days of the expiration of the period provided for payment of the fine, pursuant to §3711.7, before the Board in an adversary proceeding and an open hearing, pursuant to chapter 4 of this title.

AMEND §3712, "Procedures Regarding Excess Contributions," by deleting subsection 3712.2, and adding the following new subsection:

- 3712.2 Upon a determination of excess contribution, pursuant to §3712.1, the Director shall notify the person in writing of the following:
- (a) The amount of the excess contribution;
 - (b) The expectation of repayment to the contributor of the amount equal to the excess contribution; and
 - (c) Repayment shall be accomplished within fifteen (15) days of the notice.

AMEND §9900.1, "Definitions," by adding the following new definitions:

D.C. Official Code – the 2001 Edition of the Code, as amended.

Electronic Filing – as provided by the Office of Campaign Finance, the procedure by which filers may process required forms online through the world wide web at www.ocf.dc.gov.

Mass collections – the receipt of contributions by a committee, candidate or individual, at dinners, luncheons, rallies, and other fundraising events organized by a committee, candidate or individual, pursuant to D.C. Official Code, §1-1102.06(b)(6).

Mass sales – to make available for purchase by a committee, candidate or individual, at dinners, luncheons, rallies, and other fundraising events organized by such committee,

candidate or individual, items in bulk such as political campaign pins, buttons, badges, flags, emblems, hats, banners, literature and similar materials, pursuant to D.C. Official Code, §1-1102.06(b)(6).

Members of the public are invited to submit comments, in writing, to the General Counsel, Board of Elections and Ethics, Suite 270, One Judiciary Square, 441 4th Street, N.W., Washington, D.C. 20001. Comments should be received no later than thirty (30) days from the publication of this Notice.

Copies of these rules may be obtained by request from the above address, Monday through Friday, between the hours of 9:00 a.m. and 4:00 p.m.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

DEPARTMENT OF HEALTH

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Health, pursuant to the authority of section 4 the District of Columbia Low-Level Radioactive Generator Policy Act of 1990, effective March 7, 1991, as amended (D.C. Law 8-226; D.C. Official Code § 8-1501 to 8-1506 (2001)), Mayor's Order 98-52, effective April 15, 1998; and section 4902(c) of the Department of Health Functions Clarification Act, effective October 3, 2001, (D.C. Law 14-28; D.C. Official Code § 7-731(c) (2001)), and Mayor's Order 2005-81, effective May 25, 2005 hereby gives notice of his intent to take proposed rulemaking action to adopt the regulations below to amend 22 DCMR Chapters 67-69 (Radiation: Administration and Enforcement).

The Radiation Regulations (Administration and Enforcement) were codified in the 1984 edition of 20 DCMR at Chapters 20-22. The Office of Documents and Administrative Issuances decided to recodify the regulations at 22 DCMR Chapters 67, 68 and 69. The last edition of 22 DCMR was published in 1986 and the recodified chapters do not appear in the 1986 volume. For the sake of clarity and ease of reference, the Radiation Regulations are being repropose in their entirety with numbering to reflect their placement in 22 DCMR Chapters 67, 68 and 69 and with the addition of new definitions and the establishment of the fees proposed herein.

The Director of the Department of Health further gives notice of his intent to take final rulemaking action thirty (30) days from the date of publication of this notice in the *D.C. Register*.

TITLE 22

RADIATION REGULATIONS

Title 22 (1986) of the District of Columbia Municipal Regulations is amended by adding new Chapters 67-69 to read as follows:

CHAPTER 67 RADIATION: ADMINISTRATION AND ENFORCEMENT**6700 GENERAL PROVISIONS**

- 6700.1 The purpose of the radiation provisions of this title (chapters 67 through 69) is to specify the requirements in the use of all radiation, radiation machines, and radioactive materials to ensure the maximum protection of the public health and the maximum safety to all persons at, or in the vicinity of, the place of use, storage, or disposal of radiation, radiation machines, and radioactive materials.
- 6700.2 The radiation provisions of this title are intended to be consistent with the best use of radiation machines and radioactive materials, and to encourage the constructive uses of radiation.
- 6700.3 Except as otherwise specifically provided, the radiation provisions of this title shall apply to all persons who receive, possess, use, transfer, own, or acquire any source of radiation; Provided, however, that nothing in these provisions shall apply to any person to the extent such person is subject to regulation by the Nuclear Regulatory Commission (the "NRC").
- 6700.4 Nothing in the radiation provisions of this title shall be interpreted as limiting the intentional exposure of patients to radiation for the purpose of diagnosis or therapy.
- 6700.5 Regulation of source material, byproduct material, and special nuclear material in quantities not sufficient to form a critical mass is subject to the provisions of any agreement between the District and the NRC, and to part 150 of the NRC's regulation (10 CFR Part 150).
- 6700.6 Each section of chapters 67 through 69, and every part of each section, is declared independent of every other section, and the finding of any section, or part of a section, to be void or ineffective for any reason shall not be deemed to affect any other section, or part of a section.

6701 RADIATION STANDARDS

- 6701.1 After notice and public hearing, the Director of the Department of Health (the Director") shall prescribe standards for the protection against sources of radiation and other requirements as may be reasonable and necessary to carry out the intent and purpose of the radiation provisions of this title.

6701.2 The standards and requirements prescribed by the Mayor pursuant to §6701.1 shall, as is practicable, be reasonably compatible with and, in any event, shall not be less restrictive than standards established by the NRC, the Federal Radiation Council, or the National Committee on Radiation Protection and Measurement. FEB 10 2006

6701.3 The Director may cause the standards and requirements specified by the Mayor to be codified in a form that the Director shall prescribe.

6702 TESTS AND RECORDS

6702.1 Upon instruction from the Director, each licensee and registrant under the radiation provisions of this title shall perform or permit the Director to perform any reasonable test as the Director deems appropriate or necessary, including, but not limited to, tests of the following:

- (a) Sources of radiation;
- (b) Facilities wherein sources of radiation are used or stored;
- (c) Radiation detection and monitoring instruments; and
- (d) Other equipment and devices used in connection with utilization or storage of licensed or registered sources of radiation.

6702.2 Each licensee and registrant under the radiation provisions of this title shall keep records showing the receipt, transfer, and disposal of all sources of radiation, and any other records as the Director may, by order, require.

6702.3 Each licensee and registrant shall make available to the Director for inspection, upon reasonable notice, records maintained pursuant to the radiation provisions of this title.

6703 RESERVED

6704 INSPECTIONS

6704.1 The Director or the Director's authorized representatives shall have the power to enter at all reasonable times upon any private or public property for the following purposes:

- (a) To determine whether there is compliance with or violation of the radiation provisions of this title, and with the standards and requirements issued pursuant to those provisions; and
- (b) To inspect sources of radiation and the premises and facilities wherein the sources of radiation are stored.

6704.2 Entry into areas under the jurisdiction of the federal government shall occur only with the concurrence of the federal government or its duly designated representative.

6704.3 Entry upon private property shall be in accordance with the law.

6705 EMERGENCIES, IMPOUNDMENTS AND STOP ORDERS

6705.1 Whenever the Director finds that an emergency exists requiring immediate action to protect the public health and safety, the Director, may, without notice or hearing, issue an order stating the existence of the emergency, and requiring that action be taken as necessary to meet the emergency.

6705.2 In the event of an emergency constituting a hazard to the health of employees of the public or others, the Director may impound or order the impounding of sources of ionizing radiation in the possession of any person who is not equipped to observe, or fails to observe, the radiation provisions of this title.

6705.3 If all or part of any machine, device, or equipment is in a dangerous condition, or if it is not properly safeguarded, notice of the situation shall be given by the Director to any individual owning, operating, or possessing the machine, device, or equipment.

6705.4 Upon notice as required by §6705.3, and until the notice is withdrawn by the Director, use of the machine, device, or equipment shall be forbidden. The Director may withdraw the notice if he or she is satisfied that the machine, device or equipment has been made safe, or that proper safeguards have been instituted for operation, or for other reasons found pursuant to a hearing as provided for in §6709 of this chapter.

6706 INTRASTATE TRANSPORTATION OF MATERIALS

6706.1 No licensee shall transport any radioactive material outside of the confines of the licensee's plant or other authorized location of use, or deliver any radioactive material to a carrier for transportation, unless the licensee complies with the requirements as specified in §6706.2.

6706.2 Each licensee shall transport materials with all requirements appropriate to the mode of transportation, relating to the packaging of the radioactive material and to the marking and labeling of the package and transporting vehicle, of the rules and regulations published by the U.S. Department of Transportation (46 CFR §148.04-1, 49 CFR §§173-179, and 14 CFR §103) to the same extent as if the transportation were subject to the rules and regulations of that agency.

6707 RECIPROCITY

- 6707.1 Any person who possesses a specific license or equivalent licensing document issued by the NRC, or any agreement state, may conduct the activities authorized in the licensing document within the District for a period not in excess of twenty (20) days in any period of twelve (12) consecutive months without obtaining a specific license from the Director; Provided that the provisions of §§6707.2 through 6707.7 shall be met.
- 6707.2 The licensing document shall not limit the activity authorized by the document to specified installations or locations.
- 6707.3 The out-of-state licensee shall notify the Director in writing at least two (2) days prior to engaging in the activity.
- 6707.4 The notification required by §6707.3 shall indicate the location, period, and type of proposed possession and use within the District, and shall be accompanied by a copy of the pertinent licensing document.
- 6707.5 If, for a specific case, the two (2) day notification period would impose an undue hardship on the out-of-state licensee, the licensee may, upon making application to the Director, obtain permission to proceed sooner.
- 6707.6 The out-of-state licensee shall comply with all applicable radiation provisions of this title, and with all the terms and conditions of the licensee's licensing document. The licensee need not comply with any terms and conditions that may be inconsistent with the radiation provisions of this title.
- 6707.7 The out-of-state licensee shall supply any information the Director may request in addition to the information required by §§6707.2 through 6707.6.
- 6707.8 To the extent authorized by §§6800, 6801 through 6807, 6810, and 6811, a person may transfer, receive, acquire, own, possess, and use any equipment, device, commodity, or other product containing radioactive material that has been manufactured, processed, or produced in accordance with a specific license or equivalent licensing document issued by the NRC or any agreement state.
- 6707.9 Notwithstanding the provisions of §§6707.1 through 6707.7, any person who holds a specific license or equivalent licensing document issued by the NRC or an agreement state authorizing the holder to manufacture, install or service a device described in §§6803.1 through 6803.5 within areas subject to the jurisdiction of the licensing body shall be granted a general license to install and service the device in the District; Provided, that the following requirements are met:
- (a) The person shall file a report with the Director within thirty (30) days after the end of each calendar quarter in which any device is transferred to or installed in

- (b) The device shall be manufactured, labeled, installed, and serviced in accordance with applicable provisions of the specific license or equivalent licensing document issued to the person by the NRC or an agreement state;
- (c) The person shall assure that any labels required to be affixed to the device under regulations of the authority which licensed the manufacture of the device bear a statement that, "REMOVAL OF THIS LABEL IS PROHIBITED"; and
- (d) The holder of the specific license or equivalent licensing document shall furnish to each general licensee to whom the holder transfers the device, or on whose premises the holder installs the device, a copy of the general license contained in §6803.

6707.10 The Director may withdraw, limit, or qualify his or her acceptance of any specific license or equivalent licensing issued by another agency, or any product distributed pursuant to the licensing document, upon determining that the action is necessary in order to prevent undue hazard to public health and safety or property.

6708 VARIANCES

6708.1 The Director shall keep a properly indexed record of all variances and exceptions permitted from any rule or regulation or standard. The record shall be open to public inspection.

6708.2 The Director may, upon written application of any person affected by the radiation provisions of this title, permit variations from any of those provisions.

6708.3 The Director may, upon receiving a written application to do so, excuse a person from the performance of any act required by the radiation provisions of this title, either in whole or in part, upon a finding by the Director that the application of a provision or the full performance of an act would result in unnecessary hardship or practical difficulty.

6708.4 A variance or exception under §§6708.2 or 6708.3 shall be allowed only where and to the extent necessary to ameliorate the unnecessary hardship or practical difficulty, and only when compensating factors are present that give adequate protection to the public health and public welfare, and that do not impair the intent and purpose of the radiation provisions of this title.

6709 HEARINGS

- 6709.1 Each licensee or registrant, or applicant for licensing or registration, who is aggrieved by a proposed action of the Director that would result in the refusal to issue a license or registration, or that would modify, suspend, terminate, or revoke a license or registration, shall be afforded notice and an opportunity to be heard prior to the action by the Director.
- 6709.2 A request for a hearing to review an adverse action proposed by the Director must be made in writing within fifteen (15) days following notification to the applicant, licensee, or registrant of the contemplated action and of his or her right to a hearing with respect to the action.
- 6709.3 Upon failure by an applicant, licensee, or registrant to request a timely hearing, or upon failure of the person to appear at a scheduled hearing and for which no continuance has been or is granted, the Director may, without a hearing, take the action contemplated in the notice.
- 6709.4 When the Director issues a notice pursuant to §6705 of this chapter to cease and desist from the use of any machine, device, or equipment by a licensee or registrant, the Director shall inform the licensee or registrant that an opportunity to be heard and to contest the notice shall be afforded within thirty (30) days of the issuance of the notice.
- 6709.5 In any matter involving denying, modifying, suspending, or revoking any license issued under chapters 67 through 69 of this title, or in a hearing concerned with the issuance of a notice to cease and desist the use of any machine, device, or equipment, the procedure shall be in accordance with the District of Columbia Administrative Procedure Act, approved October 4, 1968, as amended (82 Stat. 1203; D.C. Official Code §§ 2-501 to 2-510 (2001)).

6710 PENALTIES

- 6710.1 Any person who fails to comply with any provision of the radiation provisions of this title, or of the standards issued by the Director, or any person who refuses, interferes with, or prevents any inspection authorized by the radiation provisions of this title, shall be punished by a fine of not more than three hundred dollars (\$300), or by imprisonment not to exceed ninety (90) days.
- 6710.2 In the event of any violation of, or failure to comply with, the radiation provisions of this title or with standards issued by the Director, each and every day of the violation or failure shall constitute a separate offense; and the penalties prescribed in this section shall be applicable to each separate offense.

6799 DEFINITIONS

6799.1 When used in chapters 67 through 69 of this title, and in forms prescribed under those chapters, where not otherwise distinctly expressed or manifestly incompatible with the intent of the District of Columbia Low-Level Radioactive Generator Policy Act of 1990, effective March 7, 1991, as amended (D.C. Law 8-226; D.C. Official Code § 8-1501 to 8-1506 (2001)) (Act) or those chapters, the following terms shall have the meanings ascribed:

Agreement state - any state with which the Nuclear Regulatory Commission or the Atomic Energy Commission has entered into an effective agreement under subsection 274b. of the Atomic Energy Act of 1954, as amended (73 Stat. 689).

Airborne radioactive material - any radioactive material dispersed in the air in the form of dust, fumes, mists, vapors, or gases.

Byproduct material - any radioactive material (except special nuclear material) yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material.

Calendar quarter - not less than twelve (12) consecutive weeks, nor more than fourteen (14) consecutive weeks. Calendar quarters shall be arranged so that no day in any year is omitted from inclusion within a calendar quarter. No licensee or registrant shall change the method observed by him or her of determining calendar quarters for purposes of this chapter, except at the beginning of a calendar year.

CFR - Code of Federal Regulations.

Department - the Department of Health or a successor agency.

Director - the Director of the Department of Health or a successor agency or her or his designee.

District - the District of Columbia.

Health physicist - a safety professional in the field of radiation protection who uses his or her knowledge of the physical and biological effects of radiation in order to ensure the safety of both users of radioactive sources and of the general public.

Human use - the internal or external administration of radiation or radioactive material to human beings.

Individual - any human being.

License - except where otherwise specified, a license issued pursuant to 22 DCMR §6800.

Occupational exposure - exposure of an individual to radiation in a restricted area or in the course of employment in which the individual's restricted area or in the course of employment in which the individual's duties involve exposure to radiation, except that "occupational exposure" shall not be

deemed to include any exposure of an individual to radiation for the purpose of medical diagnosis or medical therapy of the individual.

Person - any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision or agency state. This term shall not include the United States Atomic Energy Commission or any other federal agency.

Pharmacist - an individual licensed by the District of Columbia to compound and dispense drugs, prescriptions, and poisons.

Physician - an individual licensed by the District of Columbia to dispense drugs in the practice of medicine.

Radiation - gamma rays and X-rays, alpha and beta particles, high-speed electrons, neutrons, and other nuclear particles; but not sound or radio waves, lasers, or visible, infrared, or ultra-violet light.

Radioactive material - any material, solid, liquid, or gas that emits radiation spontaneously.

Research and development - theoretical analysis, exploration, or experimentation, or the extension of investigative findings and theories of a scientific or technical nature into practical application for experimental and demonstration purposes; including the experimental production and testing of models, devices, equipment, materials, and processes. Research and development does not include the internal or external administration of radiation or radioactive material to human beings.

Restricted area - any area to which access is controlled by the licensee or registrant for purposes of protection of individuals from exposure to radiation or radioactive materials. A "restricted area" shall not include any areas used for residential quarters, although a separate room or rooms in the residential building may be set apart as a restricted area.

Sealed source - radioactive material that is permanently bonded or fixed in a capsule or matrix designed to prevent release and dispersal of the radioactive material under the most severe conditions that are likely to be encountered in normal use and handling.

Source material - uranium or thorium, or any combination of these two materials, in any physical or chemical form; or ores that contain by weight one-twentieth of one percent (0.05%) or more of uranium, thorium, or any combination of uranium and thorium. "Source material" does not include special nuclear material.

Source of radiation - any radioactive material, or any device or equipment, emitting or capable of producing radiation.

Special nuclear material in quantities not sufficient to form a critical mass - uranium enriched in the isotope U-235 in quantities not exceeding three hundred fifty (350) grams of contained U-235; uranium 233 in quantities not exceeding two hundred (200) grams; or any combination of them in accordance with the following formula: For each kind of special nuclear material, determine the ratio between the quantity of that special nuclear material and the quantity specified above for the same kind of special nuclear material. The sum of such ratios for all of the kinds of special nuclear material in combination

shall not exceed "1". For example, the following quantities in combination would not exceed the limitation and are within the formula:

$$\frac{175 \text{ (grams contained U-235)}}{350} + \frac{50 \text{ (grams U-233)}}{200} + \frac{50 \text{ (grams Pu)}}{200} = 1$$

State – any one of the states and the District of Columbia.

Unrefined and unprocessed ore – ore in its natural form prior to any processing, such as grinding, roasting, beneficiating, or refining.

Unrestricted area - any area to which access is not controlled by the licensee or registrant in order to protect individuals from exposure to radiation and radioactive materials; and any area used for residential quarters.

6800 GENERAL PROVISIONS

- 6800.1 No person shall receive, possess, use, transfer, own, or acquire radioactive material, except as authorized in a specific or general license issued pursuant to this chapter, or as otherwise provided in this chapter.
- 6800.2 All other sources of radiation, unless exempt from this chapter, shall be registered with the Director in accordance with the requirements of §§ 6920 through 6922 of chapter 69 of this title.
- 6800.3 Licenses for radioactive materials shall be general and specific.
- 6800.4 General licenses are effective without the filing of applications with the Department or the issuance of licensing documents to particular persons.
- 6800.5 Specific licenses are issued to named persons upon applications filed pursuant to this chapter.
- 6800.6 Subject to the provisions of this chapter, a general license shall be issued to own radioactive material without regard to quantity.
- 6800.7 Notwithstanding any provision of this chapter, the general license does not authorize the manufacture, production, transfer, receipt, possession, or use of byproduct material.

6801 GENERAL LICENSES: SOURCE MATERIALS

- 6801.1 A general license shall be granted for the use and transfer of not more than fifteen (15) pounds of source material at one (1) time by persons in the following categories:
- (a) Pharmacists using the source material solely for the compounding of medicinals;
 - (b) Physicians using the source material for medicinal purposes;
 - (c) Persons receiving possession of source material from pharmacists and physicians in the form of medicinals or drugs; and
 - (d) Commercial and industrial firms, and research, educational and medical institutions for research, development, educational, or commercial purposes.
- 6801.2 Pursuant to the issuance of a general license, no person shall receive more than a total of one hundred fifty (150) pounds of source material in any one (1) calendar year.
- 6801.3 Each person who receives, possesses, uses, or transfers source material pursuant to the general license issued in §6801.1 is exempt from the radiation standards issued by the Director to the

extent that the receipt, possession, use, or transfer is within the terms of the general license; Provided, that this exception shall not be deemed to apply to any person who is also in possession of source material under a specific license issued pursuant to this chapter.

6801.4 A general license shall be granted for the receipt of title to source material without regard to quantity.

6801.5 The general license issued under this section shall not authorize any person to receive, possess, use, or transfer source material.

6802 GENERAL LICENSES: OTHER RADIOACTIVE MATERIALS

6802.1 A general license shall be granted to transfer, receive, acquire, own, possess, and use radioactive material incorporated in a device or equipment that is listed under standards issued by the Director and that has been manufactured pursuant to a specific license or equivalent licensing document issued by the Director, the NRC, or any agreement state, and to authorize distribution under the general license of this section or its equivalent.

6802.2 A general license shall be granted to transfer, receive, acquire, own, possess, and use quantities of radioactive material listed under standards issued by the Director; Provided, that no person shall at any one (1) time possess or use, pursuant to the general licensing provisions of this section, more than a total of ten (10) scheduled quantities.

6802.3 Each person who transfers, receives, acquires, owns, possesses, or uses scheduled items or quantities of radioactive material pursuant to a general license provided under §§6801.1 and 6801.2 shall not do the following:

- (a) Cause an increase in the radioactivity of the scheduled items or quantities by adding other radioactive material to the items, by combining radioactive material from two (2) or more item quantities, or by altering them in any other manner that increases the rate of radiation from them;
- (b) Administer externally or internally, or direct the administration of, all or any part of the scheduled items or quantities to a human being for any purpose, including, but not limited to, diagnostic, therapeutic, and research purposes;
- (c) Add, or direct the addition of, all or part of the scheduled items or quantities to any food, beverage, cosmetic, drug, or other product designed for ingestion or inhalation by, or application to, a human being; or
- (d) Include all or part of the scheduled items or quantities in any device, instrument, or apparatus (including component parts and accessories to the parts) intended for use in diagnosis, treatment, or prevention of disease in human beings or animals or otherwise intended to affect the structure or any function of the body of human beings or animals.

6803 MEASURING, GAUGING, AND CONTROLLING DEVICES

- 6803.1 A general license shall be granted to own, receive, acquire, possess, and use radioactive material when the material is contained in devices designed and manufactured for the purpose of detecting, measuring, gauging, or controlling thickness, density, level, interface location, radiation leakage, or qualitative or quantitative chemical composition, or for producing light or an ionized atmosphere, when the devices are manufactured in accordance with the specifications contained in a specific license or equivalent licensing document issued to the supplier pursuant to §6912 or its equivalent by the Director, the NRC, or any agreement state, and authoring distribution under the general license of this section or its equivalent; Provided, that the devices meet the requirements of §§ 6803.2 and 6803.5.
- 6803.2 Each device shall be labeled in accordance with the provisions of the specific license or equivalent licensing document that authorizes its distribution.
- 6803.3 Each device shall bear a label containing information as may be required by the Director.
- 6803.4 Each device shall be installed on the premises of the general licensee by a person authorized to install the device under a specific license or equivalent licensing document issued to the installer by the Director, the NRC, or any agreement state, if a label affixed to the device at the time of receipt states that installation by a specific licensee is required.
- 6803.5 The requirement of §6803.4 shall not apply while a device is held in storage in the original shipping container pending installation by a specific licensee.
- 6803.6 Each person who owns, receives, acquires, possesses, or uses a device pursuant to a general license issued under this section shall not transfer, abandon, or dispose of the device, except by transfer to a person duly authorized to receive the device by a specific license or equivalent licensing document issued by the Director, the AEC, or any agreement state.
- 6803.7 Each person who owns, receives, acquires, possesses, or uses a device pursuant to a general license issued under this section shall furnish to the Director, within thirty (30) days after any transfer, a report containing the following information:
- (a) The name of the manufacturer of the device;
 - (b) The type of device;
 - (c) The manufacturer's serial number of the device; and
 - (d) The name and address of the person receiving the device.
- 6803.8 Each person who owns, receives, acquires, possesses, or uses a device pursuant to a general license issued under this section shall ensure that all labels affixed to the device at the time of receipt and bearing the statement, "REMOVAL OF THE THIS LABEL IS PROHIBITED," are maintained on the device and shall comply with all instructions contained in the label.

- 6803.9 Each person who owns, receives, acquires, possesses, or uses a device pursuant to a general license issued under this section shall have the device tested for leakage of radioactive material and proper operation of the on-off mechanism and indicator, if any, at the time of installation of the device or replacement of the radioactive material on the premises of the general licensee.
- 6803.10 Each device shall be re-tested at no longer than six (6) month intervals, or at intervals not to exceed three (3) years as is specified in the label required by this section.
- 6803.11 Devices containing only krypton need not be tested for leakage, and devices containing only tritium need not be tested for any purpose.
- 6803.12 Each person who owns, receives, acquires, possesses, or uses a device pursuant to a general license issued under this section shall have the tests required by §6803.9 and all other services involving the radioactive materials, and its shielding and containment, performed by the supplier or other person duly authorized by a specific license or equivalent licensing document issued by the Director, the NRC, or any agreement state, to manufacture, install, or service the device.
- 6803.13 Each person who owns, receives, acquires, possesses, or uses a device pursuant to a general license issued under this section shall, within thirty (30) days after the occurrence of a failure of or damage to the shielding of the radioactive material, or the on-off mechanism or indicator, or upon the detection of five one-thousandths (0.005) of a microcurie or more of removable radioactive material, furnish to the Director a report containing the following information:
- (a) The name of the manufacturer of the device;
 - (b) The type of device;
 - (c) The manufacturer's serial number of the device; and
 - (d) A brief description of the event and the remedial action taken.
- 6803.14 Each person who owns, receives, acquires, possesses, or uses a device pursuant to a general license issued under this section shall maintain records of all tests performed on the device as required under this section, including the dates and results of the tests and the names of the persons conducting the tests.
- 6803.15 Each person who owns, receives, acquires, possesses, or uses a device pursuant to a general license issued under this section shall, upon the occurrence of a failure of or damage to the shielding or containment of the radioactive material, of the on-off mechanism or indicator, immediately suspend operation of the device until it has been repaired by a person holding a specific license or equivalent licensing document issued by the Director, the NRC, or any agreement state to receive the radioactive material contained in the device.

- 6803.16 Each person who owns, receives, acquires, possesses, or uses a device pursuant to a general license issued under this section shall, within ten (10) days after the receipt of the device, notify the director of the type of device and the name and address of the supplier.

6804 LUMINOUS SAFETY DEVICES FOR AIRCRAFT

- 6804.1 A general license shall be granted to own, receive, acquire, possess, and use tritium or promethium 147 contained in luminous safety devices for use in aircraft; Provided that the requirements of this section are met.
- 6804.2 Each device shall contain not more than ten (10) curies of tritium or three hundred (300) millicuries of promethium 147.
- 6804.3 Each device shall have been manufactured, assembled, or imported in accordance with a specific license issued by the NRC, or each device shall have been manufactured or assembled in accordance with the specifications contained in a specific license or equivalent licensing document issued by the Director or any agreement state to the manufacturer or assembler of the device pursuant to licensing requirements equivalent to those in §32.53 of 10 CFR, Part 32.
- 6804.4 The general license provided in this section shall not authorize the manufacture, assembly, or repair of luminous safety devices containing tritium or promethium 147.

6805 CALIBRATION AND REFERENCE SOURCES

- 6805.1 The following persons shall be granted a general license to own, receive, acquire, possess, use, and transfer, in accordance with the provisions of §§6805.3 through 6805.5 of this section, americium 241 in the form of the calibration or reference sources:
- (a) Any person who holds a specific license issued by the Director which authorizes the person to receive, possess, use, and transfer radioactive material; and
 - (b) Any person who holds a specific license issued by the NRC which authorizes the person to receive, possess, use and transfer special nuclear material.
- 6805.2 A general license shall be granted to receive, possess, use, and transfer plutonium in the form of calibration or reference sources in accordance with the provisions of §§6805.3 through 6805.5 of this chapter to any person who holds a specific license issued by the director which authorizes the person to receive, possess, use, and transfer radioactive material.
- 6805.3 The general license in §§6805.1 and 6805.2 shall apply only to calibration or reference sources that have been manufactured in accordance with the specifications contained in a specific license issued to the manufacturer or importer of the sources by the NRC

pursuant to §32.57 of 10 CFR Part 32 or §70.39 of 10 CFR Part 70, or that have been manufactured in accordance with the specifications contained in a specific license or equivalent licensing document issued to the manufacturer by the Director or by any agreement state pursuant to licensing requirements equivalent to those contained in §32.57(n) of 10 CFR Part 32 or §70.39 of 10 CFR Part 70.

6805.4 Any person who owns, receives, acquires, possesses, uses, or transfers one (1) or more calibration or reference sources pursuant to these general licenses shall store the source, except when the source is being used, in a closed container adequately designed and constructed to contain americium 241 or plutonium which might otherwise escape during storage.

6805.5 Any person who owns, receives, acquires, possesses, uses, or transfers one (1) or more calibration or reference sources pursuant to a general license shall not do the following:

- (a) Possess at any one (1) time, at any one (1) location of storage or use, more than five (5) microcuries of americium 241 and five (5) microcuries of plutonium in the sources;
- (b) Receive, possess, use, or transfer the source, unless the source of the storage container bears a label containing the information as may be required by the Director;
- (c) Transfer, abandon, or dispose of the source, except by transfer to a person authorized to receive the source by a license from the Director, the NRC, or an agreement state; and
- (d) Use the source for any purpose other than the calibration of the radiation detectors or the standardization of other sources.

6805.6 The general licenses provided by this section shall not authorize the manufacture of calibration or reference sources containing americium 241 or plutonium.

6806 MEDICAL DIAGNOSTIC USES

6806.1 A general license shall be issued to any physician to receive, possess, transfer, or use for any of the following diagnostic uses, in accordance with the provisions of §§6806.2 through 6806.6 of this section, the following radioactive materials in capsules, disposable syringes, or other forms of prepackaged individual doses:

- (a) Iodine 131 as sodium iodide (NaI^{131}) for measurement of thyroid uptake;
- (b) Iodine 131 as iodinated human serum albumin (IHSA) for determinations of blood plasma volume;
- (c) Iodine 125 as iodinated human serum albumin (IHSA) for determinations of blood and blood plasma volume;

(d) Cobalt 57, Cobalt 58, and Cobalt 60 for the measurement of intestinal absorption of cyanocobalamin; and

(e) Chromium 51 as sodium radiochromate for determinations of red blood cell volumes and studies of red blood cell survival time.

6806.2 No physician shall receive, possess, use, or transfer radioactive material pursuant to the general license established in §6806.1, except in accordance with the terms of a certificate issued by the Director.

6806.3 Application for the certification required in §6806.2 shall be filed on a form prescribed by the Director, and shall contain information as may be required by the Director.

6806.4 The physician shall report in writing any changes in the information furnished in the form within thirty (30) days of the change.

6806.5 A physician who receives, possesses, or uses a pharmaceutical containing radioactive material pursuant to the general license established in §6806.1 shall do the following:

(a) Store the pharmaceutical until administered in the original shipping container, or a container providing equivalent radiation protection; and

(b) Use the pharmaceutical only for the uses authorized by §6806.1.

6806.6 A physician who receives, possesses, or uses a pharmaceutical containing radioactive material pursuant to the general license established in §6806.1 shall not do the following

(a) Possess at any one (1) time, pursuant to the general license in §6806.1, more than the following substances:

(1) Two hundred (200) microcuries of iodine 131;

(2) Two hundred (200) microcuries of iodine 125;

(3) Five (5) microcuries of cobalt 57;

(4) Five (5) microcuries of cobalt 58;

(5) Five (5) microcuries of cobalt 60; or

(6) Two hundred (200) microcuries of chromium 51.

(b) Administer the pharmaceutical to a woman with a confirmed pregnancy or to a person under eighteen (18) years of age;

(c) Transfer the radioactive material to a person who is not authorized to receive it pursuant to a license issued by the Director, the AEC, or any agreement state; and

- (d) Transfer the radioactive material in any manner other than in the unopened, labeled shipping container as received from the supplier, except by administering it to a patient.

6807 ICE DETECTION DEVICES

6807.1 A general license shall be granted to own, receive, acquire, possess, use, and transfer strontium 90 contained in ice detection devices; Provided that the following requirements are met:

- (a) Each device shall contain not more than fifty (50) microcuries of strontium 90;
- (b) Each device shall have been manufactured or imported in accordance with a specific license issued by the NRC; and
- (c) Each device shall have been manufactured in accordance with the specifications contained in a specific license or equivalent licensing document issued by the Director or any agreement state to the manufacturer of the device pursuant to licensing requirements equivalent to those in §32.61 of 10 CFR Part 32.

6807.2 Persons who own, receive, acquire, possess, use, or transfer strontium 90 contained in ice detection devices pursuant to the general license in §6807.1 shall do the following:

- (a) Upon occurrence of visually observable damage to the device, such as a bend or crack or discoloration from overheating, discontinue use of the device until it has been inspected, tested for leakage, and repaired by a person holding a specific license or equivalent licensing document from the NRC or an agreement state to manufacture or service the devices, or dispose of the device pursuant to the provisions of these regulations; and
- (b) Ensure that all labels affixed to the device at the time of receipt, and which bear a statement that prohibits removal of the labels are maintained on the device.

6807.3 The general license provided in this section shall not authorize the manufacture, assembly, disassembly, or repair of strontium 90 in ice detection devices.

§§6808 - §6809: RESERVED

6810 EXEMPTIONS: SOURCE MATERIALS

6810.1 Any person who receives, possesses, uses, or transfers source material in any chemical mixture, compound, solution, or alloy in which the source material is by weight less than

one twentieth of one percent (0.05%) of the mixture, compound, solution, or alloy shall be exempt from the provisions of chapters 67 through 69 of this title.

6810.2 Any person who receives, possesses, uses, or transfers unrefined and unprocessed ore containing source material shall be exempt from the provisions of chapters 67 through 69 of this title. Except as authorized in a specific license, the person shall not refine or process the ore.

6810.3 A person shall be exempt from chapters 67 through 69 if the person receives, possesses, uses, or transfers any quantities of thorium contained in the following:

- (a) Incandescent gas mantles;
- (b) Vacuum tubes;
- (c) Welding rods;
- (d) Electric lamps for illuminating purposes; Provided, that each lamp does not contain more than fifty (50) milligrams of thorium;
- (e) Germicidal lamps, sunlamps, and lamps for outdoor or industrial lighting; Provided that each lamp does not contain more than two (2) grams of thorium; or
- (f) Rare earth metals and compounds, mixtures, and products containing not more than twenty-five percent (25%) by weight of thorium, uranium, or any combination of thorium and uranium.

6810.4 A person shall be exempt from chapters 67 through 69 if the person receives, possesses, uses, or transfers any quantities of thorium contained in the following products:

- (a) Glazed ceramic tableware; Provided, that the glaze contains not more than twenty percent (20%) by weight source material; and
- (b) Glassware, glass enamel, and glass enamel frit containing not more than ten percent (10%) by weight source material; but not including commercially manufactured glass brick, pane glass, ceramic tile or other glass, glass enamel, or ceramic used in construction.

6810.5 A person shall be exempt from chapters 67 through 69 if the person receives, possesses, uses, or transfers any finished product or part fabricated of, or containing, tungsten or magnesium-thorium alloys; Provided, that the thorium content of the alloy does not exceed four percent (4%) by weight and that the exemption contained in this subsection shall not be deemed to authorize the chemical, physical, or metallurgical treatment or processing of any product or part.

6810.6 A person shall be exempt from chapters 67 through 69 if the person receives, possesses, uses, or transfers photographic film, negatives, and prints containing uranium or thorium.

- 6810.7 A person shall be exempt from chapters 67 through 69 if the person receives, possesses, uses, or transfers uranium contained in the detector heads for use in fire detection units; Provided, that each detector head contains not more than five one-thousandths (0.005) microcurie of uranium.
- 6810.8 A person shall be exempt from chapters 67 through 69 if the person receives, possesses, uses, or transfers uranium contained in counterweights installed in aircraft, rockets, projectiles, or missiles, or stored or handled in connection with the installation or removal of the counterweights when the following requirements are met:
- (a) The counterweights are manufactured in accordance with the specifications contained in a specific license or equivalent licensing document issued by the Director, the NRC, or any agreement state;
 - (b) Each counterweight has been impressed with the following legend clearly legible through any plating or other covering: "CAUTION" "RADIOACTIVE MATERIAL - URANIUM"; and
 - (c) The plating or other covering has not been removed or penetrated.
- 6810.9 A person shall be exempt from chapters 67 through 69 if the person receives, possesses, uses, or transfers uranium used as shielding constituting part of any shipping container that is conspicuously and legibly impressed with the legend "CAUTION RADIOACTIVE SHIELDING - URANIUM", and that meets the specifications for containers for radioactive materials prescribed by regulations published by the U.S. Department of Transportation at 49 CFR §172.403.
- 6810.10 A person shall be exempt from chapters 67 through 69 if the person receives, possesses, uses, or transfers thorium contained in finished optical lenses; Provided, that each lens shall not contain more than thirty percent (30%) by weight of thorium, and that the exemption contained in this subsection shall not be deemed to authorize either of the following:
- (a) The shaping, grinding, or polishing of the lens or manufacturing process other than the assembly of the lens into optical systems and devices without any alteration of the lens; or
 - (b) The receipt, possession, use, or transfer of thorium contained in contact lenses, or in spectacles, or in eyepieces in binoculars or other optical instruments.
- 6810.11 A person shall be exempt from chapters 67 through 69 if the person receives, possesses, uses, or transfers thorium in any finished aircraft engine part containing nickel-thoria alloy; Provided, that the following requirements are met:
- (a) The thorium is dispersed in the nickel-thoria alloy in the form of finely divided thoria (thorium dioxide); and

- (b) The thorium content in the nickel-thoria alloy does not exceed four percent (4%) by weight.

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- 6810.12 The exemptions in this section shall not authorize the manufacture of any of the products described in this section.

6811 EXEMPTIONS: RADIOACTIVE MATERIALS

- 6811.1 Except as provided in §6811.2, any person who receives, possesses, uses, transfers, owns, or acquires products or materials containing radioactive material in concentrations not in excess of those listed in standards issued by the Director, shall be exempt from chapters 67 through 69 of this title.

- 6811.2 No person shall introduce radioactive material into a product or material knowing or having reason to believe that it will be transferred to persons exempt under §6811.1 or under equivalent regulations of the NRC or any agreement state; except in accordance with a license issued pursuant to §6915, or the general license set forth in §§6800 through 6807 of this chapter.

- 6811.3 Except for a person who applies tritium, promethium 147, or radium to, or a person who incorporates tritium, promethium 147, or radium into, the following products, a person shall be exempt from chapters 67 through 69 to the extent that the person receives, possesses, uses, transfers, owns, or acquires the following products:

- (a) Twenty-five (25) millicuries of tritium per timepiece;
- (b) Five (5) millicuries of tritium per hand;
- (c) Fifteen (15) millicuries of tritium per dial (bezels when used shall be considered as part of the dial);
- (d) One hundred (100) microcuries of promethium 147 per watch or two hundred (200) microcuries of promethium 147 per any other timepiece;
- (e) Twenty (20) microcuries of promethium 147 per watch hand or forty (40) microcuries of promethium 147 per other timepiece hand; and
- (f) Sixty (60) microcuries of promethium 147 per watch dial or one hundred twenty (120) microcuries of promethium 147 per other timepiece dial (bezels when used shall be considered as part of the dial).

- 6811.4 The levels of radiation from hands and dials containing radium or promethium 147 shall not exceed, when measured through fifty (50) milligrams per square centimeter of absorber as follows:

- (a) For wrist watches – one-tenth (0.1) millirad per hour at ten (10) centimeters from any surface;

- (b) For pocket watches - one-tenth (0.1) millirad per hour at one (1) centimeter from any surface; and
- (c) For any other timepiece - two-tenths (0.2) millirad per hour at ten (10) centimeters from any surface.

6811.5 Except for a person who applies tritium, promethium 147, or radium to, or a person who incorporates tritium, promethium 147, or radium into the following products, a person shall be exempt from chapters 67 through 69 to the extent that the person receives, possesses, uses, transfers, owns, or acquires the following products:

- (a) Lock illuminators containing not more than fifteen (15) millicuries of tritium or not more than two (2) millicuries of promethium 147 installed in automobile locks. The levels of radiation from each lock illuminator containing promethium 147 shall not exceed one (1) millirad per hour at one (1) centimeter from any surface when measured through fifty (50) milligrams per square centimeter of absorber;
- (b) Balances of precision containing not more than one (1) millicurie of tritium per balance, or not more than five-tenths (0.5) millicuries of tritium per balance part;
- (c) Automobile shift quadrants containing not more than twenty-five (25) millicuries of tritium;
- (d) Marine compasses containing not more than seven hundred fifty (750) millicuries of tritium gas and other marine navigational instruments containing not more than two hundred fifty (250) millicuries of tritium gas;
- (e) Thermostat dials and pointers containing not more than twenty-five (25) millicuries of tritium per thermostat;
- (f) Glow lamps containing not more than ten (10) microcuries of tritium per lamp; and
- (g) Spark gap tubes containing not more than thirty (30) microcuries of promethium 147. The levels of radiation from each spark gap tube containing promethium 147 shall not exceed five-tenths (0.5) millirad per hour at one (1) centimeter from any surface when measured through seven (7) milligrams per square centimeter of absorber.

6811.6 Authority to transfer possession or control by the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material intended for use by the general public shall not be granted under chapters 67 through 69 of this title.

- 6811.7 Any person who receives, possesses, uses, transfers, owns, or acquires synthetic plastic resins containing scandium 46 which are designed for sand consolidation in oil wells shall be exempt from chapters 67 through 69 of this title.
- 6811.8 The resins specified in §6811.7 shall have been manufactured or imported in accordance with a specific license issued by the NRC, or shall have been manufactured in accordance with specifications contained in a specific license or equivalent licensing document issued by the Director or any agreement state to the manufacturer of the resins pursuant to licensing requirements equivalent to those in §§32.16 and 32.17 of 10 CFR Part 32 of the regulations of the NRC.
- 6811.9 The exemption provided in §6811.7 shall not authorize the manufacture of any resins containing scandium 46.

6812 EXEMPTIONS: CARRIERS AND CONTRACTORS

- 6812.1 Any Nuclear Regulatory Commission contractor or subcontractor of the following categories operating within the District shall be exempt from chapters 67 through 69 to the extent that the contractor or subcontractor under his or her contract receives, possesses, uses, transfers, owns, or acquires sources of radiation:
- (a) Prime contractors performing work for the NRC at U.S. government-owned or controlled sites;
 - (b) Prime contractors performing research in or development, manufacture, storage, testing, or transportation of, atomic weapons or components of the weapons;
 - (c) Prime contractors using or operating nuclear reactors or other nuclear devices in a U.S. government-owned vehicle or vessel; and
 - (d) Any other prime contractor or subcontractor when the Director and the NRC jointly determine the following:
 - (1) That, under the terms of the contract or subcontract, there is adequate assurance that the work under the contract or subcontract can be accomplished without undue risk to the public health and safety; and
 - (2) That the exemption of the contractor or subcontractor is otherwise appropriate.

- 6812.2 Common and contract carriers operating within the District shall be exempt from the provisions of chapters 67 through 69 to the extent that they transport or store sources of radiation in the regular course of their carriage for another or storage incident to that carriage.

6899 DEFINITIONS

- 6899.1 The meanings ascribed to the definitions appearing in §6799 of chapter 67 of this title shall apply to the terms in this chapter.

6900 APPLICATION FOR SPECIFIC LICENSES

- 6900.1 Applications for specific licenses shall be filed with the Director on a form prescribed by the Director, and containing information that the Director may require.
- 6900.2 At any time after the filing of the original application, and before the expiration of the license, the Director may require further statements in order to determine whether the application should be granted or denied or whether a license should be modified or revoked.
- 6900.3 Each application shall be signed by the applicant or licensee or a person duly authorized to act for and on his or her behalf.
- 6900.4 In the application, the applicant may incorporate by reference information contained in previous applications, statements, or reports filed with the Director; Provided, that the references shall be clear and specific.
- 6900.5 An application may include a request for a license authorizing one (1) or more purposes.
- 6900.6 Applications and documents submitted to the Director may be made available for public inspection, except that the Director may withhold all or part of any document from public inspection if disclosure of its contents is not required in the public interest and would adversely affect the interest of a person concerned.

6901 GENERAL REQUIREMENTS FOR ISSUANCE OF LICENSES

- 6901.1 A license application shall be approved if the Director determines that the requirements of this section have been satisfied.
- 6901.2 The applicant shall qualify by reason of training and experience to use the material in question for the purpose requested in accordance with these regulations in a manner that minimizes danger to public health, safety, and property.
- 6901.3 The applicant's proposed equipment, facilities, and procedures shall be adequate to minimize danger to public health, safety, and property.
- 6901.4 The issuance of the license shall not be inimical to the health and safety of the public.
- 6901.5 The applicant shall satisfy the applicable special requirements for each specific license requested pursuant to §§6910 through 6916 of this chapter.
- 6901.6 Upon a determination that an application meets the requirements of these regulations, the Director shall issue a specific license authorizing the proposed activity. The license shall state the conditions of and the limitations on the license as are deemed appropriate or necessary.

6901.7 The Director may incorporate in any license at the time of its issuance, or after it is issued by appropriate rule or order, any additional requirements and conditions with respect to the licensee's receipt, possession, use, and transfer of radioactive material, subject to the radiation provisions of this title, as are deemed appropriate or necessary in order to do the following:

- (a) Minimize danger to public health and safety or property;
- (b) Require any reports, the keeping of records and provide for inspections and activities under the license as may be appropriate or necessary; and
- (c) Prevent loss or theft of material subject to the radiation provisions of this title.

6902 SPECIFIC TERMS AND CONDITIONS OF LICENSES

6902.1 Each license issued pursuant to the radiation provisions of this title shall be subject to all rules, regulations, orders, and standards of the Department.

6902.2 Each person licensed by the Director pursuant to the radiation provisions of this title shall confine his or her use and possession of the material licensed to the locations and purposes authorized in the license.

6902.3 Each licensee authorized under §6912 of this chapter to distribute certain devices to generally licensed persons shall report to the Director all transfers of the devices to persons generally licensed under §6803 of chapter 68 of this title.

6902.4 The report required by §6902.3 shall identify each general licensee by name and address, the type of device transferred, and the quantity and type of radioactive material contained in the device.

6902.5 The report required by §6902.3 shall be submitted within thirty (30) days after the end of each calendar quarter in which a device is transferred to a generally licensed person.

6902.6 Each licensee authorized under §6912 to distribute certain devices to generally licensed persons shall furnish to each general licensee in the District to whom he or she transfers a device a copy of the general license contained in §6803 of chapter 68 of this title.

6902.7 No license issued or granted under the radiation provisions of this title, and no right to possess or utilize radioactive material granted by any license issued pursuant to those provisions, shall be transferred, assigned, or in any manner disposed of, either voluntarily or involuntarily, directly or indirectly, or through transfer of control of any license to any person unless the Director finds that the transfer is in accordance with the radiation provisions of this title and consents in writing to a transfer, assignment, or another means of disposal. The director shall base his or her finding on full information.

6903 RENEWAL AND AMENDMENT OF LICENSES

- 6903.1 Each application for renewal of a specific license shall be filed in accordance with §6900 of this chapter.
- 6903.2 In any case in which a licensee has filed an application not less than thirty (30) days prior to the expiration of his or her existing license, and has filed the application in proper form for renewal or for a new license authorizing the same activities, the existing license shall not expire until a decision on the application has been made by the Director.
- 6903.3 Each application for an amendment of a license shall be filed in accordance with §6900 of this chapter, and shall specify the respects in which the licensee desires his or her license to be amended and the grounds for the amendment.
- 6903.4 In considering an application by a licensee to renew or amend his or her license, the Director shall apply the criteria set forth in §6901 and §§6910 through 6916 of this chapter as applicable.

6904 MODIFICATION, REVOCATION, AND TERMINATION OF LICENSES

- 6904.1 The terms and conditions of all licenses shall be subject to amendment, revision, or modification, or the license may be suspended or revoked by reason of amendments to the radiation provisions of this title, or by requirements and orders issued by the Director.
- 6904.2 Any license may be revoked, suspended, or modified, in whole or in part, for any of the following reasons:
- (a) Any material false statement in the application or any statement of fact required under the radiation provisions of this title;
 - (b) Because of conditions revealed by the application or statement of fact, or any report, record, or inspection or other means that would warrant the Director refusing to grant a license on an original application; or
 - (c) For violation of, or failure to observe, any of the terms and conditions of the license, or of the radiation provisions of this title, or order of the Director.
- 6904.3 Except in cases of willfulness, or in cases in which the public health, interest, or safety requires otherwise, no license shall be modified, suspended, or revoked unless, prior to the institution of proceedings for the action, facts or conduct that may warrant the action have been called to the attention of the licensee in writing; and the licensee has been accorded an opportunity to demonstrate or achieve compliance with all lawful requirements.

6904.4 The Director may terminate a specific license upon the written request of the licensee.

6905 TRANSFER OF RADIOACTIVE MATERIALS BY LICENSEES

6905.1 No licensee shall transfer radioactive material except as authorized pursuant to this section.

6905.2 With the advance approval of the receiver, any licensee may transfer radioactive material to the following:

- (a) The Department;
- (b) The Nuclear Regulatory Commission (NRC);
- (c) Any person exempt from the radiation provisions of this title to the extent permitted under the exemption; and
- (d) Any person authorized to receive the material under terms of a general license or its equivalent, or a specific license or equivalent licensing document, issued by the Director, the NRC, or any agreement state, or to any person otherwise authorized to receive the material by the federal government or any federal government agency, the Director, or any agreement state.

6905.3 With advance approval of the receiver, a licensee may transfer radioactive material when authorized to do so by the Director in writing.

§§6906 - 6609: RESERVED

6910 HUMAN USE OF RADIOACTIVE MATERIALS

6910.1 A specific license for human use of radioactive material in institutions shall be issued only if the requirements of §§6910.2 through 6910.6 are satisfied.

6910.2 The applicant shall appoint and submit to the Director the names of the members of a medical radiation safety committee of at least three (3) members to evaluate all proposals for research, diagnostic, and therapeutic use of radioisotopes within that institution.

6910.3 Membership of the medical radiation safety committee required by §6910.1 shall include physicians expert in internal medicine, hematology, and therapeutic radiology, and a person experienced in testing of radioisotopes and protection against radiation.

6910.4 The applicant shall possess adequate facilities for the clinical care of patients.

- 6910.5 The physician designated on the application as the individual user shall have substantial experience in the handling and administration of radioisotopes and, where applicable, the clinical management of radioactive patients.
- 6910.6 If the application is for the license to use unspecified quantities or multiple types of radioactive material, the applicant's staff shall have substantial experience in the use of radioactive materials for a variety of human uses.
- 6910.7 A specific license for the human use of radioactive materials shall be issued to an individual physician only if the applicant satisfies the following requirements:
- (a) The applicant has access to a hospital possessing adequate facilities to hospitalize and monitor the applicant's radioactive patients whenever it is advisable; and
 - (b) The applicant has extensive experience in the handling and administration of radioisotopes and, where applicable, the clinical management of radioactive patients.
- 6910.8 A specific license for human use of sealed sources shall be issued only if the applicant or, if the application is made by an institution, the individual user meets the following requirements:
- (a) He or she has specialized training in the therapeutic use of the sealed source considered (such as a teletherapy unit, beta applicator, or similar device), or has experience equivalent to that training; and
 - (b) He or she is a physician.
- 6910.9 An application for a specific license pursuant to §§6910.1 through 6910.7 of this section for any diagnostic use of radioactive material in humans as specified in standards issued by the Director shall be approved for all of the diagnostic uses within the standards if the applicant satisfies the following requirements:
- (a) The applicant satisfies the requirements of §§6910.1 through 6910.7;
 - (b) The applicant or the physician designated in the application as the individual user has adequate clinical experience in the performance of diagnostic procedures specified in the appropriate standards; and
 - (c) The applicant's proposed radiation detection instrumentation is adequate for conducting the diagnostic procedures specified in the appropriate standards.

6911 MANUFACTURE FOR MEDICAL DIAGNOSTIC USES

- 6911.1 A specific license authorizing the distribution of radioactive material for use by physicians under the general license in §6806 of chapter 68 of this title shall be issued only if the requirements of this section are met.
- 6911.2 The applicant for the license shall submit evidence that the radioactive material is to be manufactured, labeled, and packaged in accordance with the following:
- (a) A new drug application which the Commissioner of Food and Drugs, of the Food and Drug Administration, has approved; or
 - (b) A license for a biologic product issued by the Secretary of Health and Human Services.
- 6911.3 A label or statement containing information as the Director may require shall be affixed to the container or shall appear in the leaflet or brochure that accompanies the package of radioactive material.

6912 RESEARCH AND DEVELOPMENT

- 6912.1 A specific license for multiple quantities or types of radioactive material for use in research and development shall be issued if the requirements of this section are met.
- 6912.2 The applicant's staff shall have substantial experience in the use of a variety of radioisotopes for a variety of research and development uses.
- 6912.3 The applicant shall have established a radiation safety committee which will review and approve, in advance of purchase of radioisotopes, proposals for the radiological use.
- 6912.4 The committee required by §6912.3 shall be composed of persons such as a radiological safety officer, a representative of the business office, and one (1) or more persons trained or experienced in the safe use of radioactive materials.
- 6912.5 The applicant shall appoint a radiological safety officer who will advise and assist on radiological safety problems.

6913 MEASURING, GAUGING, AND CONTROLLING DEVICES

- 6913.1 A specific license to distribute certain devices of the types enumerated in §6803 of chapter 68 of this title to persons generally licensed under that section shall be issued only if the requirements of this section are met.

- 6913.2 The applicant shall submit sufficient information relating to the design, manufacture, prototype testing, quality control procedures, labeling, proposed uses, and potential hazards of the device to reasonably ensure the following:
- (a) The radioactive material contained in the device will not be lost;
 - (b) No individual will receive a radiation exposure to a major portion of his or her body in excess of five-tenths (0.5) rem in a year under ordinary circumstances of use;
 - (c) The device can be safely operated by individuals not having training in radiological protection; and
 - (d) The radioactive material within the device will not be accessible to unauthorized individuals.
- 6913.3 In describing the label or labels and the label contents to be affixed to the device, the applicant shall separately indicate instructions and precautions that are necessary to assure safe operation of the device. The instructions and precautions shall be contained on labels bearing the statement, "REMOVAL OF THIS LABEL IS PROHIBITED."
- 6913.4 If the applicant desires that the device be tested for proper operation of the on-off mechanism and indicator, if any, and for leakage of radioactive material, subsequent to the initial test required by §§6803.9 and 6803.10, at intervals longer than six (6) months, but not exceeding three (3) years, the applicant shall include in the application sufficient information to demonstrate that the longer interval is justified by performance characteristics of the device or similar devices, and by design features which have a significant bearing on the probability or consequences of leakage of radioactive material from the device.
- 6913.5 In determining the acceptable interval for tests of leakage of radioactive material, the Director shall consider information on particulars which includes, but is not necessarily limited to, the following:
- (a) Primary containment (source capsule);
 - (b) Protection of primary containment;
 - (c) Method of sealing containment;
 - (d) Containment construction materials;
 - (e) Form of contained radioactive material;
 - (f) Maximum temperature withstood during prototype tests;
 - (g) Maximum pressure withstood during prototype tests;

- (h) Maximum quantity of contained radioactive material;
- (i) Radiotoxicity of contained radioactive material; and
- (j) Operating experience with identical devices or similarly designed and constructed devices.

6914 INDUSTRIAL RADIOGRAPHY

- 6914.1 A specific license for use of sealed sources in industrial radiography (that is, the examination of the structure of materials by nondestructive methods utilizing sealed sources of radioactive material) shall be issued if the requirements of this section are met.
- 6914.2 The applicant shall have an adequate program for training radiographers and radiographers' assistants.
- 6914.3 The applicant shall submit to the Director a schedule or description of the program for training radiographers and radiographers' assistants which specifies the following:
- (a) Initial training;
 - (b) Periodic training;
 - (c) On-the-job training;
 - (d) Means to be used by the licensee to determine the radiographer's knowledge and understanding of and ability to comply with regulations and licensing requirements, and the operating and emergency procedures of the applicant; and
 - (e) Means to be used by the licensee to determine the radiographer's assistant's knowledge and understanding of and ability to comply with the operating and emergency procedures of the applicant.
- 6914.4 The applicant shall establish and submit to the Director operating and emergency procedures that comply with the standards issued by the Director.
- 6914.5 The applicant shall have an adequate internal inspection system, or another management control, to assure that license provisions, regulations, and the applicant's operating and emergency procedures are followed by each radiographer and each radiographer's assistant.
- 6914.6 The applicant shall submit to the Director a description of the applicant's overall organizational structure pertaining to the industrial radiography program, including specified delegations of authority and responsibility for operation of the program.

The applicant who desires to conduct his or her own leak tests shall establish adequate procedures to be followed in leak testing sealed sources for possible leakage and contamination, and shall submit to the Director a description of the procedures, including the following:

- (a) Instrumentation to be used;
- (b) Method of performing tests, such as the points on the equipment to be smeared and the method of taking a smear; and
- (c) Pertinent experience of the person who will perform the test.

6915**PROCESSING FOR DISTRIBUTION****6915.1**

A specific license for multiple quantities or types of radioactive material for use in processing for distribution to authorized persons shall be issued only if the requirements of this section are met.

6915.2

The applicant's staff shall have substantial experience in the use of a variety of radioisotopes for processing and distribution.

6915.3

The applicant shall appoint a radiological safety officer who will advise and assist on radiological safety problems.

6916**USE OF EXEMPT CONCENTRATIONS IN PRODUCTS****6916.1**

A specific license for the introduction of radioactive material into a product or material owned by or in the possession of the licensee or another to be transferred to persons exempt under §6811.1 shall be issued only if the requirements of this section are met.

6916.2

The applicant shall submit the following information:

- (a) A description of the product or material into which the radioactive material will be introduced;
- (b) The intended use of the radioactive material and the product or material into which it is introduced;
- (c) The method of introduction;
- (d) The initial concentration of the radioactive material in the product or material;
- (e) The control methods to ensure that no more than the specified concentration is introduced into the product or material;

- (g) The radioactive material in the product or material at the time of transfer.

6916.3 The applicant shall provide reasonable assurance of the following:

- (a) The concentrations of radioactive material at the time of transfer will not exceed the concentrations specified in standards issued by the Director;
- (b) Reconcentration of the radioactive material in concentrations exceeding those in the standards issued by the Director is not likely;
- (c) Use of lower concentrations is not feasible; and
- (d) The product or material is not likely to be incorporated in any food, beverage, cosmetic, drug, or other commodity or product designed for ingestion or inhalation by, or application to, a human being.

6916.4. Each person licensed under this section shall file an annual report with the Director that provides the following information:

- (a) A description of the type and quantity of each product or material into which radioactive material has been introduced during the reporting period;
- (b) The name and address of the person who owns or possesses the product or material into which radioactive material has been introduced;
- (c) The type and quantity of radioactive material introduced into each product or material; and
- (d) The initial concentrations of radioactive material in the product or material at the time of the transfer of the radioactive material by the licensee.

6916.5 The report required by §6916.4 shall be submitted within thirty (30) days after the end of each calendar year in which the licensee introduces radioactive material into a product or material pursuant to a license granted under this section.

§§ 6917 - 6919: RESERVED

6920 REGISTRATION OF RADIATION MACHINES

6920.1 The owner or person having possession of any radiation machine, except those specifically exempted, shall register the machine with the Director.

6920.2 No person, in any advertisement, shall refer to the fact that a radiation machine is registered with the Director.

6920.3 No person shall state or imply that any activity conducted under his or her registration has been approved by the Director.

6920.4 The following machines and equipment are exempt from the radiation provisions of this title:

- (a) Domestic television receivers manufactured after the effective date of these regulations and sold in the District that comply with the applicable federal requirements of 42 CFR 78.210, "Performance Standard for Television Receivers";
- (b) Other electrical equipment that produces radiation incidental to its operation for other purposes; Providing, that the dose rate to the whole body at the point of nearest approach to the equipment when any external shielding is removed does not exceed five-tenths (0.5) rem per year. The production testing or factory servicing of the equipment shall not be exempt; and
- (c) Radiation-producing machines while in transit or storage incident to that transit.

6921 RADIATION MACHINES AND REGISTRATION PROCEDURES

6921.1 Registration shall be on forms furnished by the Director, and shall contain all information that the Director may require.

6921.2 The applicant shall designate an individual who will be responsible for radiation protection for the machine. This person shall:

- (a) Be qualified by training and experience concerning all hazards and precautions involved in operating the machine for which he or she is responsible;
- (b) Recommend a detailed program of radiation safety for effective compliance with the applicable requirements of the radiation provisions of this title;
- (c) Give instructions concerning hazards and safety practices to individuals who may be exposed to radiation from the machine; and
- (d) Make surveys and carry out other procedures as required by these regulations.

6921.3 When, in the opinion of the Director, the person designated to be responsible for radiation safety does not have qualifications sufficient to ensure safety of the machine for which the person is responsible, the Director may order the registrant to designate another individual who meets the qualifications.

6921.4 The Director shall issue a Notice of Registration to each applicant who has submitted the information required in §6921.1.

6921.5 The Notice of Registration shall state the period of registration and shall be retained by the registrant for the stated period.

6922 RADIATION MACHINES: RENEWAL AND MODIFICATION OF REGISTRATION

6922.1 The owner or person having possession of any registered radiation machine shall re-register the machine with the Director every two (2) years.

- 6922.2 The application for re-registration shall be submitted at least thirty (30) days prior to the expiration of the registrant's current Notice of Registration.
- 6922.3 When a registrant has filed an application not less than thirty (30) days prior to the expiration of his or her existing registration, and when the application has been filed in the proper form for renewal or amendment of the application, the existing registration shall be valid until a final decision has been made on the application by the Director.
- 6922.4 The registrant shall notify the Director within thirty (30) days of any change that renders the information furnished by him or her no longer accurate.
- 6922.5 A change in the ownership, possession, or address where a radiation machine is located shall terminate a registration.

6923 SUPPLIERS OF MEDICAL AND DENTAL X-RAY MACHINES

- 6923.1 No person shall make, sell, lease, repair, transfer, lend, or install medical or dental x-ray equipment in the District unless authorized to do so by a license issued by the Director.
- 6923.2 Application to become a licensed supplier shall be filed on forms prescribed by the Director, and shall contain information as the Director may require.
- 6923.3 For the purposes of this section, a "licensed supplier" shall be a person who has been licensed by the Director to make, sell, lease, repair, lend, transfer, or install medical or dental x-ray equipment for use in the District.
- 6923.4 For the purposes of this section, "medical or dental x-ray equipment" shall mean any electronic device that produces x-rays by electrical means for the intentional exposure of humans.
- 6923.5 Any person licensed to supply medical or dental x-ray equipment in the District shall notify the Director on forms provided by the Director within fifteen (15) days following the sale, lease agreement, or decision to make available the equipment, or at least ten (10) days prior to the installation of the equipment, whichever occurs sooner.
- 6923.6 No medical or dental x-ray equipment shall be supplied in the District which, when properly placed in operation and properly used, does not meet the standards prescribed by the Director.
- 6923.7 Plans or blueprints of any medical or dental x-ray installation that is to receive x-ray equipment supplied by a licensed supplier shall be approved by the Director prior to the installation of the equipment.
- 6923.8 The Director may require information such as that required by §6923.7 to be furnished to him or her as the Director deems necessary to determine compliance with the requirements of the radiation provisions of this title.
- 6923.9 Licenses to supply medical and dental x-ray equipment in the District may be terminated for any of the following reasons:
- (a) Failure to provide advance notification to the Director of the installation of medical or dental x-ray equipment sold, leased, loaned, transferred, or installed in the District;

- (b) When information on the application is determined to be incorrect, or no longer current, and the licensee fails to submit an amended application containing the corrected information within thirty (30) days after the change takes place;
- (c) Expiration of a temporary license; or
- (d) Repeated failure to supply medical and dental x-ray equipment that meets the standards established by the Director.

6923.10 A temporary license may be granted by the Director for a specified period, not to exceed one (1) year, for those suppliers of x-ray equipment who wish to make a limited sale, lease, loan, transfer, or installation of medical or dental x-ray equipment, and who do not normally supply the equipment for profit.

6924 FEE SCHEDULE

6924.1 Each owner or operator of an x-ray tube shall pay the following biennial registration fees:

(a) Dental X-Ray Tubes:

- (i) Two hundred fifty dollars (\$250.00) for the first tube; and
- (ii) One hundred dollars (\$100.00) for each additional tube.

(b) Medical X-Ray Tubes:

- (i) Two hundred fifty dollars (\$250.00) for the first tube; and
- (ii) One hundred dollars (\$100.00) for each additional tube.

6924.2 Each health physicist shall pay an annual registration fee of one hundred dollars (\$100.00).

6924.3 Each x-ray supplier shall pay an annual registration fee of one hundred dollars (\$100.00).

6924.4 Each radioactive material user shall pay an annual registration fee of five hundred dollars (\$500.00).

6924.5 Each generator of low-level radioactive waste shall pay an annual registration fee of five thousand dollars (\$5,000.00).

6924.6 All fees shall be due and payable upon filing an application for registration, or for renewal of registration, with the Department.

6924.7 The Director shall assess a late fee of fifty dollars (\$50.00).

6924.8 A department, office, or agency of the District of Columbia Government shall not be required to pay a fee pursuant to this section, if the registration or services are required for a governmental purpose.

6924.9 All fees shall be paid by check or money order, made payable to the District of Columbia Treasurer.

6999 DEFINITIONS

6999.1 The meanings ascribed to the definitions appearing in §6799 of chapter 67 of this title shall apply to the terms in this chapter.

Persons wishing to comment on the proposed rules may submit written comments no later than thirty (30) days after the date of publication of this notice in the D.C. Register, to the District of Columbia Department of Health, Environmental Health Administration, Office of Enforcement, Compliance & Environmental Justice 51 N Street, NE Washington, D.C. 6th Floor, Washington, D.C. 20002, Attn: Kendolyn Hodges-Simons.

Copies of the proposed rules may be obtained from 8:15 a.m. to 4:45 p.m., Monday through Friday, excluding holidays, from the Department of Health, Environmental Health Administration, Bureau of Hazardous Material and Toxic Substances, Radiation Protection Division, 51 N Street, N.E., 6th Floor, Washington, D.C. 20002 at a cost of \$2.00.

**DISTRICT OF COLUMBIA TAXICAB COMMISSION
PANEL ON RATES AND RULES**

NOTICE OF PROPOSED RULEMAKING

The District of Columbia Taxicab Commission ("Commission"), by its Panel on Rates and Rules, pursuant to the authority set forth under sections 8(b)(1)(D) and 9(b) of the District of Columbia Taxicab Commission Establishment Act of 1985, effective March 25, 1986, (D.C. Law 6-97; D.C. Official Code §§ 50-307(b) (1)(D), and 50-308(b)), hereby gives notice of its proposed rulemaking action taken January 18, 2006, to amend § 1009.2 of Chapter 10 of Title 31 of the District of Columbia Municipal Regulations ("DCMR"). The proposed rulemaking will no longer require a physical examination and criminal background check for Not Valid for Hire operators. Final rulemaking action shall not be taken in less than thirty (30) days from the date of publication of this notice in the D.C. Register.

The following section in 31 DCMR Chapter 10 is amended as follows:

1009 SPECIAL LICENSE TO OPERATE PUBLIC VEHICLES

1009.2 Each application shall be submitted on the form furnished by the Chairperson, and shall set forth the applicant's full lawful name (including middle name or names, if any) date of birth, sex, social security number, residence, and other information that the Chairperson may require to determine the applicant's identity, competency, and eligibility for a license, however, an applicant will not be required to submit proof of a physical examination or have fingerprints taken with the Metropolitan Police Department for a criminal background check.

Any person desiring to file written comments on the Panel's proposed rulemaking action must do so not later than thirty (30) days after the publication of this notice in the District of Columbia Register. Comments should be filed with Kimberly A. Lewis, Attorney Advisor and Secretary, District of Columbia Taxicab Commission, 2041 Martin Luther King, Jr., Avenue, S.E., Suite 204, Washington, D.C. 20020. Copies of the proposed rulemaking may be obtained by writing to the above address.

DISTRICT OF COLUMBIA DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULEMAKING

The Director of the District Department of Transportation, pursuant to the authority of sections 3(b), 4(a)(5)(A) and 5(4)(A) of Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code §§ 50-921.02(b), 50-921.03(a)(5)(A) and 50-921.04(4)(A)); Mayor's Order 2003-11 (January 16, 2003); Title VI of the Fiscal Year 1997 Budget Support Act of 1996, effective April 9, 1997 (D.C. Law 11-198; D.C. Official Code §§ 10-1141.01 *et seq.*); and Mayor's Order 96-8, (February 9, 1996), hereby gives notice of the intent to amend Title 24 of the Public Space and Safety Regulations by adding a new section to Chapter 33 (Public Right-of-Way Occupancy Permits). The proposed amendments add a new section 3306 to enable the Department to issue a Public Right-of-Way Occupancy Permit to tour bus and commuter bus companies in order for the companies to establish tour and commuter bus stops; provide that in the event a Right-of-Way Occupancy Permit expires or is suspended or revoked, the Director may remove any apparatus, structure, facility, installation, or device affixed or erected in public space, on a public right-of-way, or on a public structure that is the subject of the permit and recover all costs associated with such removal if the permit holder fails to remove the apparatus, structure, facility, installation, or device; provide that "Department" is defined as the District Department of Transportation in section 3399.1; and establish definitions for "commuter bus" and "Director" in section 3399. Final rulemaking action to adopt these amendments shall be taken in not less than thirty (30) days from the date of publication of this notice in the D.C. Register.

TITLE 24 DCMR, **PUBLIC SPACE AND SAFETY**, is amended by adding a new section to read as follows:

3306 OCCUPANCY OF POLES OR OTHER STRUCTURES IN THE PUBLIC SPACE FOR TOUR BUS AND COMMUTER BUS STOPS

- 3306.1 The Director may issue a Public Right-of-Way Occupancy Permit to a person seeking to post signs on existing or proposed poles (including, but not limited to, streetlight poles, street sign poles, and "U" poles) or other structures in the public space to indicate tour bus or commuter bus stops.
- 3306.2 Any person seeking to post signs on poles or other structures in the public space to indicate tour bus or commuter bus stops shall submit an application for a Public Right-of-Way Occupancy Permit to the Department.
- 3306.3 In addition to such other information as the Director may request, the permit application shall include:

- (a) The name of the tour bus or commuter bus company;
 - (b) The address of the tour bus or commuter bus company;
 - (c) A list of the pole or structure locations proposed for the tour bus or commuter bus stops; and
 - (d) An actual-size sample of the proposed tour bus or commuter bus sign on the applicable medium, including, but not limited to, aluminum, cardboard, metal, poster board, and steel.
- 3306.4 The Permittee shall pay an annual rental fee for each sign affixed to a pole or structure in public space.
- 3306.5 The annual payment shall be paid to the District on the date the Public Right-of-Way Occupancy Permit is issued.
- 3306.6 Failure to make a rental payment within thirty (30) days after the due date may result in the revocation of the Public Right-of-Way Occupancy Permit.
- 3306.7 The acceptance of any payment required hereunder by the District shall not be construed as an acknowledgment that the amount paid is the correct amount due, nor shall such acceptance of payment be construed as a release of any claim which the District may have for additional sums due and payable.
- 3306.8 If a Public Right-of-Way Occupancy Permit is revoked or suspended for any reason, the Director may remove the applicable tour bus or commuter signs without the District incurring any liability for the signs.

Title 24 DCMR, Chapter 33, Section 3310, **GENERAL TERMS AND CONDITIONS**, is amended by adding a new subsection to read as follows:

- 3310.16 In the event that a Right-of-Way Occupancy Permit expires or is suspended or revoked, the Director may require, at the expense of the Permittee, the immediate removal of any apparatus, structure, facility, installation, or device affixed, erected, or installed in public space, on a public right-of-way, or on a public structure, and the restoration of the public space, public right-of-way, or public structure to its condition prior to the issuance of the permit. If the Permittee does not comply with the requirements of this subsection, the Director may remove any of the Permittee's property and the cost of such removal shall be borne by the Permittee, including, but not limited to, the manner specified in § 24-1313.

Title 24 DCMR, Chapter 33, Section 3399, **DEFINITIONS**, is amended as follows:

By amending the following definition in Subsection 3399.1:

Department – District Department of Transportation.

By adding the following new definitions in alphabetical order to Subsection 3399.1:

Commuter bus – A public or private vehicle having a seating capacity of more than eight (8) passengers, exclusive of the driver, used to transport passengers to and from worksites; provided, that this definition shall not include any vehicle owned or operated by the Washington Metropolitan Area Transit Authority.

Director – Director of the District Department of Transportation.

All persons interested in commenting on the subject matter in this proposed rulemaking action may file comments in writing, not later than thirty (30) days after the publication of this notice in the D.C. Register, with Lars Etzkorn, Associate Director, District Department of Transportation, 2000 14th Street, N.W., 5th Floor, Washington, D.C. 20009. Copies of this proposal are available, at cost, by writing to the above address.

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

NOTICE OF PROPOSED RULEMAKING

The Board of Directors of the District of Columbia Water and Sewer Authority ("the Board"), pursuant to the authority set forth in the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, effective April 18, 1996 (D.C. Law 11-111; D.C. Code § 34-2201.01 et seq.) hereby gives notice of its intent to amend Chapter 15, Section 1501.4 of the Water and Sanitation Regulations (21 DCMR). The proposed rules would amend Chapter 15 to revise the discharge limits for Cadmium, Lead, Molybdenum and Zinc in Table I, clarify the type of Oil and Grease and make typographical corrections, consistent with EPA requirements. Final rulemaking action shall be taken in not less than thirty (30) days from the date of publication of this notice in the D.C. Register.

Title 21 DCMR, Chapter 15, Section 1501, "Discharge Standards" Subsection 1501.4 is amended to read as follows:

- 1501.4 The following shall apply to discharges to the wastewater system:
- (a) No person shall introduce into the wastewater system any discharges with pH of less than 5 or greater than 10 and temperatures in excess of 140 degrees Fahrenheit or 60 degrees Centigrade;
 - (b) No person shall discharge to the wastewater system arsenic, cadmium, copper, lead, mercury, molybdenum, nickel, silver, zinc, cyanide, or oil and grease in concentrations greater than those listed in Table I of this subsection;
 - (c) Dischargers may be required to monitor other pollutants, including chromium, selenium, total toxic organics (TTO), and any other pollutants as required;
 - (d) For purposes of this subsection, "concentrations" shall be determined using composite samples collected over the daily operation in proportion to flow except for those parameters requiring grab samples including cyanide, total phenols, oil and grease, and volatile organic compounds. When flow-proportional composite sampling is not feasible, time-proportional composite sampling may be used. "Total toxic

organics (TTO)" shall be defined as set forth in paragraph (e) of this subsection:

TABLE I

<u>SUBSTANCE</u>	<u>CONCENTRATION,</u> <u>mg/l</u>
Arsenic (T)	0.23
Cadmium (T)	0.15
Copper (T)	2.3
Lead (T)	1.0
Mercury (T)	<"Practical Quantitation Limit"
Molybdenum (T)	2.4
Nickel (T)	2.2
Silver (T)	3.3
Zinc(T)	3.4
Cyanide (T)	0.56
Oil and Grease (non-polar)	100

- (e) The term "TTO" shall mean total toxic organics, which is the summation of all quantifiable values greater than .01 milligrams per liter for the following toxic organics:

Volatile Organic Compounds:

Acrolein
 Acrylonitrile
 Benzene
 Bromoform (tribromomethane)
 Carbon tetrachloride (tetrachloromethane)
 Chlorobenzene
 Chlorodibromomethane
 Chloroethane
 2-Chloroethyl vinyl ether (mixed)
 Chloroform (trichloromethane)
 1, 1-Dichloroethane
 1, 2-Dichloroethane
 1, 1-Dichloroethylene
 1, 2-Dichloropropane
 1, 3-Dichloropropylene (1, 3-dichloropropene)
 Ethylbenzene
 Methyl bromide (bromomethane)
 Methyl chloride (chloromethane)
 Methylene chloride (dichloromethane)

1, 1, 2, 2-Tetrachloroethane
Tetrachloroethylene
Toluene
1, 2-Trans-dichloroethylene
1, 1, 1-Trichloroethane
1, 1, 2-Trichloroethane
Trichloroethylene
Vinyl chloride (chloroethylene)

Semi-volatile Organic Compounds:

Acenaphthene
Acenaphthylene
Anthracene
1, 2-Benzanthracene (benzo (a) anthracene)
Benzidine
Benzo (a) pyrene (3,4-benzopyrene)
3, 4-Benzoflouranthene
(benzo (b) flouranthene)
11, 12-Benzoflouranthene
(benzo (k) flouranthene)
1, 12-Benzoperylene (benzo (ghi) perylene)
Bis (2-chloroisopropyl) ether
Bis (2-chloroethoxy) methane
Bis (2-chloroethyl) ether
Bis (2-ethylhexyl) phthalate
4-Bromophenyl phenyl ether
Butyl benzyl phthalate
2-Chloronaphthalene
2-Chlorophenol
4-Chlorophenyl phenyl ether
Chrysene
1, 2, 5, 6-Dibenzanthracene
(dibenzo (a, h) anthracene)
1, 2-Dichlorobenzene
1, 3-Dichlorobenzene
1, 4-Dichlorobenzene
3, 3-Dichlorobenzidine
Dichlorobromomethane
2, 4-Dichlorophenol
Diethyl phthalate
Dimethyl phthalate
2, 4-Dimethylphenol
Di-n-butyl phthalate
Di-n-octyl phthalate
2, 4-Dinitrotoluene

2, 6-Dinitrotoluene
2, 4-Dinitrophenol
4, 6-Dinitro-o-cresol
1, 2-Diphenylhydrazine
Fluoranthene
Fluorene
Hexachlorobenzene
Hexachlorobutadiene
Hexachlorocyclopentadiene
Hexachloroethane
Indeno (1, 2, 3-cd) pyrene (2, 3-o-phenylene pyrene)
Isophorone
Naphthalene
Nitrobenzene
2-Nitrophenol
4-Nitrophenol
N-nitrosodimethylamine
N-nitrosodiphenylamine
N-nitrosodi-n-propylamine
Parachlorometa cresol
Pentachlorophenol
Phenanthrene
Phenol
Pyrene
1, 2, 4-Trichlorobenzene
2, 4, 6-Trichlorophenol

Pesticides/PCBs

Aldrin
Dieldrin
Chlordane
4,4'-DDT
4,4'-DDE (p,p-DDX)
4,4'-DDD (p,p-TDE)
Alpha-endosulfan
Beta-endosulfan
Endosulfan sulfate
Endrin
Endrin aldehyde
Heptachlor
Heptachlor epoxide
Alpha-BHC
Beta-BHC
Delta-BHC
Gamma-BHC

PCB-1016
PCB-1221
PCB-1232
PCB-1242
PCB-1248
PCB-1254
PCB-1260
Toxaphene
2,3,7,8-Tetrachlorodibenzo-p-dioxin (TCDD)

Comments on these proposed rules should be submitted, in writing, no later than thirty (30) days after the date of publication of this notice in the D.C. Register to, Linda R. Manley, Secretary to the Board, District of Columbia Water and Sewer Authority, 5000 Overlook Ave., S.W., Washington, D.C., 20032.

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

NOTICE OF PROPOSED RULEMAKING

The Board of Directors of the District of Columbia Water and Sewer Authority ("the Board"), pursuant to the authority set forth in section 216 of the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, effective April 18, 1996 (D.C. Law 11-111, §§ 203(3), (11) and 216; D.C. Code §§ 34-2202.03(3), (11) and 34-2202.16, Section 6(a) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Code § 2-505(a), and in accordance with 21 DCMR Chapter 40, hereby gives notice of its intention to amend Chapter 41 of the Water and Sanitation Regulations to adopt a new groundwater sewer service rate. Final rulemaking action shall be taken in not less than thirty (30) days from the date of publication of this notice in the D.C. Register.

I. Timing of Final Action on Proposed Rulemaking

No final action will be taken on the Rulemaking Proposal described in this notice until after each of the following events has occurred:

1. A public hearing is held to receive comments on the proposed rulemaking. A hearing date will be determined at a later date, and will be published in the District of Columbia Register.
2. The public comment period on this rulemaking expires; and
3. The Board of Directors takes final action after public comments are considered.

II. Rulemaking Proposal

The following rulemaking action is proposed:

Title 21 DCMR, Chapter 41 RETAIL WATER AND SEWER RATES, Section 4102 RATES FOR GROUNDWATER SEWER SERVICE, is amended to read as follows:

4102 RATES FOR GROUNDWATER SEWER SERVICE

Effective October 1, 2006, the retail rate for groundwater sewer service shall be Three Dollars and Eleven Cents (\$3.11) for each One Hundred Cubic Feet (100ft³) of water used.

If the proposed rulemaking is adopted, the rules will replace existing rules adopted by the Board at its meeting of July 1, 1999. Final rulemaking action shall be taken in not less than thirty (30) days from the date of publication of this notice in the D.C. Register.

Comments on these proposed rules should be submitted, in writing, no later than thirty (30) days after the date of publication of this notice in the D.C. Register to, Linda R. Manley, Secretary to the Board, District of Columbia Water and Sewer Authority, 5000 Overlook Ave., S.W., Washington, D.C., 20032.

In addition, the Board will also receive comments on this proposed rate at a public hearing to be held at a later date.